WEST VALLEY CITY POLICE DEPARTMENT

POLICY MANUAL

6/22/2020

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Chief's Preface

Standards in this policy relate to the basic role and authority of this law enforcement agency. When an agency defines its role, two broad purposes are served. First, officers/employees are made aware of the actions and attitudes expected of them and can therefore act without hesitation in compliance with department policy and established law. Second, members of the public are provided with a general standard by which they can measure the performance of the agency. Written policy defining the functional role should set forth the agency's purpose or mission, goals, and basic programs and priorities; and should specify that the agency intends to be responsive to, and protect the constitutional rights of all.

This agency shall have written policy outlining its law enforcement authority, and the need for public approval and acceptance of that authority. This policy will define what is reasonable and lawful, in accordance with established law. This policy will also address the need for accountability to the community it serves.

The expanding role and complexity of law enforcement in society makes it impossible to strictly outline an officer/employee action in every situation. While it is necessary that discipline may be required in correcting behavior that is contrary to policy, these policies are to be viewed as guidelines for the officer/employee to follow. An officer and/or employee's actions should be judged in accordance with the unique differences of each situation and the knowledge of that situation that the officer/employee has at the time. Disregard without credible and valid reasons may subject the officer/employee to discipline. Exceptions to this are actions which officers/employees are required to perform by law.

This law enforcement agency has established this policy to enhance and direct its officers/employees performance of their duties. This provides our officers/employees with a clear understanding of the constraints under which they should operate and the expectations that they should fulfill.

Law Enforcement Code of Ethics

All employees of the West Valley City Police Department will abide by the following Law Enforcement Code of Ethics.

As a Law Enforcement Officer, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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, 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 violence.

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 constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

Vision Statement

We will aspire to be a leader in policing, a model for character, innovation, and service. We will strive to protect our diverse and dynamic community and will work in partnership with residents to promote public safety, reduce crime, and improve the overall quality of life enjoyed by our citizens. We will professionally execute our role as law enforcement officers and public servants with fairness, integrity, compassion, and respect for the rights of all individuals. Together, we will resolve to develop a creative, forward-thinking workforce, dedicated to raising our level of excellence to meet the challenges of tomorrow.

We will work diligently and tirelessly to continually improve ourselves. Partnerships and collaboration will be the primary themes of building a new strategic plan for our police department. This plan will serve as a living document through which we will both establish and prioritize the goals and objectives of our organization and will also assist us in overcoming the challenges that we currently face. Ultimately, this plan will serve as our road map to the future by focusing us on those things that unify our efforts in fulfilling our mission and achieving our vision.

We will work together as an organization and be ever-cognizant that our effort to improve public safety and the quality of life for our community is our top priority. We will be undeterred in serving the public with the highest degree of professionalism, accountability, and fairness. We will maximize the effectiveness and efficiency of our organization through strategic alignment of our resources in a manner that best achieves our mission.

Mission Statement

The mission of the West Valley City Police Department is to work in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City.

Members of this Police Department commit themselves in the following core tenets:

- Protecting Life and Safety
- Preventing Crime
- Reducing the Fear of Crime
- Bringing Offenders to Justice
- Maintaining Public Accountability
- Providing Excellence in Service

100 - Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn members of the Department shall be considered peace officers pursuant to Utah Code 53-13-102 and 103. The authority of any such peace officer extends to any place in the State of Utah, as follows:

(a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or

(b) Where the peace officer has the prior consent of the chief of police, or person authorized by him/her to give consent, if the place is within a city or of the sheriff, or person authorized by him/her to give such consent, if the place is within a county; or

(c) An arrest for any public offense committed outside of the political subdivision which employs the peace officer as follows:

- When in fresh pursuit of an offender for the purpose of arresting and holding that person in custody or returning the suspect to the jurisdiction where the offense was committed;
- When a public offense is committed in the officer's presence;
- When participating in an investigation of criminal activity which originated in the officer's normal jurisdiction in cooperation with the local authority; or
- When called to assist peace officers of another jurisdiction.
- Prior to taking any of the above actions the officer shall notify and receive approval of the local law enforcement authority, or if prior contact is not reasonably possible, notify the local law enforcement authority as soon as reasonably possible.

100.2.1 ARRESTS WITH OR WITHOUT A WARRANT

A peace officer in the State of Utah may arrest any person under the authority of a warrant. When arresting a person with an arrest warrant the officer shall:

(a) Confirm the arrestee's identity and verify the status of the warrant.

(b) Notify a supervisor of the arrest and meet with the supervisor to complete the Booking Approval Sheet.

(c) Transport the arrestee to the appropriate jail or prison facility and submit all paperwork required by that facility to properly complete the booking process and transfer custody of the arrestee to that facility.

(d) Complete the proper report and accompanying documentation as required in Policy §344, Report Preparation.

A peace officer in the State of Utah may arrest a person without a warrant (Utah State Code § 77-7-2):

(a) For any public offense committed or attempted in the presence of the officer.

(b) When the officer has reasonable cause to believe that the person has committed a crime that is a felony or class A misdemeanor.

(c) When the officer has reasonable cause to believe the person has committed a public offense, and there is reasonable cause to believe the person may:

1. Flee or conceal him/herself to avoid arrest;
2. Destroy or conceal evidence of the commission of the offense; or
3. Injure another person or damage property belonging to another person.

(d) When the officer has reasonable cause to believe the person has committed the offense of failure to disclose their identity under Utah State Code § 76-8-301.5.

(e) When the officer has reasonable cause to believe that the person is an alien:

1. Subject to a civil removal order issued by an immigration judge.
2. Regarding who a civil detainer warrant has been issued by the federal Department of Homeland Security.
3. Who has been charged or convicted in another state with one or more aggravated felonies as defined by 8 U.S.C. Sec. 1101(a)(43).

When arresting a person without a warrant an officer shall:

(a) Confirm the arrestee's identity, if possible.

(b) Notify a supervisor of the arrest and meet with the supervisor to complete the Booking Approval Sheet.

(c) Explain the circumstances surrounding the arrest and the probable cause to arrest to the supervisor.

(d) Transport the arrestee to the appropriate jail or prison facility and submit all paperwork required by that facility to properly complete the booking process and transfer custody of the arrestee to that facility.

(e) Complete the proper report and accompanying documentation as required in Policy § 344, Report Preparation.

100.3 CONSTITUTIONAL REQUIREMENTS

All employees shall uphold every person's clearly established rights under the United States and Utah Constitutions and the restraints upon governmental power. The moral and legal basis for the exercise of police power is liberty under law. Illegal exercise of this power erodes the foundation of government.

Police officers shall be sworn to uphold every person's clearly established rights under the United States and Utah Constitutions.

100.4 DUTIES AND RESPONSIBILITIES

Members of the Department shall abide by the rules of conduct as set forth in this Policy Manual and the West Valley City Policies and Procedures Manual; and all orders and rules of conduct of the West Valley City Police Department. Any violation of these and/or other regulations may subject the member to disciplinary action.

100.5 ON DUTY AND PREPARED TO ACT

Officers shall be considered on duty at all times, and shall be prepared to act in an official capacity when the circumstances warrant police action.

100.6 OFFICER TO BE INFORMED OF THE LAW

Each officer must know all laws pertaining to the Utah State Criminal Code, West Valley city Ordinances, Field Training Officer's Manual and other department orders, policies, regulations and bulletins.

100.7 OFFICER TO CARRY OUT POLICE OBJECTIVES

Members shall:

- Preserve the public peace,
- Detect and arrest offenders,
- Prevent crime,
- Protect life and property,
- Enforce the ordinances and statutes of West Valley City, State of Utah and the United States.

Although every officer must enforce the law, it does not mean an arrest must be made every time there are sufficient grounds to make one. Unless departmental directives, orders of a superior officer, or other competent authority require an arrest to be made, the discretion of the officer to arrest or not is explicitly recognized.

100.8 OFFICERS TO USE DISCRETION

In order to guard against abuse of discretion, the following guidelines should be used.

(a) Officers are accountable for the discretionary exercise of their authority. No officer will be disciplined for his/her decision in a matter which is undetermined by previous directives or orders. An officer may be advised or ordered to act differently in the future. The balance between individual discretion and the rule of law can be maintained only if officers are willing to submit their actions to scrutiny. Concealment or secrecy can raise a presumption that discretion has been abused. Discretion with accountability is the basic element of professionalism.

(b) When every legitimate law enforcement objective can be served by an action other than arrest and no legitimate objective will be served by an arrest, then no arrest need be made.

(c) A police officer may deal with situations which are classified more as disorderly or irregular than as dishonest or violent. Although technical violations of the law may occur in such circumstances, the officer's decision to advise, warn, cite or help is a proper

exercise of professional discretion. The officer's decision to ignore such situations may be deemed neglect of duty.

100.9 OFFICERS TO OBEY ORDERS OF SUPERIORS

Every officer must obey the knowingly lawful orders of his superior and the instructions of dispatchers. Orders knowingly contrary to law shall not be obeyed; but officers refusing to obey an unlawful order may be required to justify their refusal.

100.10 FELLOW OFFICERS AND DEPARTMENT MEMBERS

Members are required to perform their duties in a cooperative and supportive manner, with one another. They shall assist and protect one another in the performance of their lawful duties.

Department personnel shall be courteous, civil and otherwise act with respect toward one another.

100.11 CONDUCT TOWARDS OFFICERS OF OTHER JURISDICTIONS

Members of the department shall cooperate with, support and assist officers from other governmental police agencies when such "outside" officers are conforming to the requirements of the law in fulfilling their official duties.

Officers shall not unnecessarily interfere with cases, work or operation of any other agency.

104 - Oath of Office and Core Values

104.1 PURPOSE AND SCOPE

Officers of the Department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Utah Constitution Article IV, Section 10).

104.1.2 CORE VALUES

By definition, community policing reflects a set of values, rather than a set of prescribed technical standards that guide the policing function. Values in policing reflects an orientation by the organization that focuses emphasis on the quality of service delivery, building a supportive and responsive relationship between the police and community, and promoting a supportive and empowering relationship throughout the organization's leadership and rank-and-file.

INTEGRITY - Ethical behavior is the cornerstone of public trust. For any police department to maintain such trust, it must constantly demonstrate that its partnership with the community will be fair, objective and securely rooted in consistently applied ethical principles. Members of the West Valley City Police Department are expected to demonstrate, through words and deeds, that the best interest of the public is always in the forefront of their decisions.

Therefore, we uphold the public trust by being honest. In doing so, we maintain the highest standards of professional and ethical character.

SERVICE – We are dedicated to enhancing public safety and reducing the fear and incidence of crime. People in our communities are our most important customers. The mantra of "To Protect and To Serve" is more than a slogan – it is our way of life. We will work in partnership with the people in our communities and do our best, within the law, to solve community problems that effect public safety. We value the great diversity of people in both our residential and business communities and serve all with equal dedication.

Therefore, we provide dedicated and compassionate assistance by promoting leadership, cooperation and creativity. We aspire to improve the quality of life in partnership with the community.

ACCOUNTABILITY – Accountability is a requirement to take action, be that action either legal or moral. It is the impetus to act and to take responsibility. As police officers, we have the legal obligation to serve and protect the residents of our city, and the legal requirement to preserve order and uphold the law. However, our obligation extends beyond the obvious legal requirement. For us, there is an obligation to service that is tied directly to our personal honor. We act not just because of our legal authority, but because of our personal duty to help and solve problems.

Therefore, we will be responsive to community needs and will always be accountable for our decision and actions.

FAIRNESS – Fundamental to delivery of professional police service is the fair and equitable treatment of all individuals. Whether citizen or employee, all must be treated with dignity and respect.

Fairness means we:

1. Act consistently with our values and expectations.
2. Let compassion and courtesy guide our actions.
3. Have respect for all people, their ideas and opinions.
4. Apply rules, regulations and laws in an unbiased manner.
5. Treat others as we want to be treated.

Therefore, we treat everyone with respect and dignity in an unbiased manner. We protect constitutional rights through impartial enforcement of the law.

In sum, it is through the daily adherence to our core values and organization mission that will demonstrate our commitment to professionalism and dedication to those with whom we work and serve.

106 - Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the West Valley City Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect provided they do not conflict with the provision of this manual.

106.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

106.2.1 DISCLAIMER

The provisions contained in this Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the West Valley City Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The West Valley City Police Department reserves the right to revise any policy content, in whole or in part.

106.3 CHIEF OF POLICE

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Department Directives shall remain in effect until such time as they may be permanently incorporated into the manual or rescinded by the Chief of Police or authorized designee.

106.4 CONTENT

This manual contains policies, procedure and rules and regulations.

Policy refers to a broad statement of agency principles or philosophy. Policies may be characterized by such works as “may” or “should” and usually do not establish fixed rules or set procedures for conduct of a particular activity, but rather provide a framework for development of procedures and rules and regulations. Policies are issued by the Chief of

Police.

Procedures are guidelines for carrying out an agency activity; they are “how to” statements. A procedure may be made mandatory in tone through the use of “shall” rather than “should”. Or “must” rather than “may”. Procedures sometimes allow some latitude and discretion in carrying out an activity. Procedures within this manual are approved by the Chief of Police. Procedures not contained in this manual may be issued by supervisors responsible for the administration of a specific operational area or activity.

Rules and regulations are specific directives from which no deviation or exceptions are permitted. Rules and regulations are issued by the Chief of Police.

106.5 POLICY MANUAL FORMAT

The Manual is comprised of ten chapters. Each of these chapters is represented in policies by the hundreds-number grouping, e.g. **1**06:

a. 100 Law Enforcement Role and Authority

b. 200 Organization and Administration

c. 300 General Operations

d. 400 Patrol Operations

e. 500 Traffic Operations

f. 600 Investigation Operations

g. 700 Equipment

h. 800 Support Services

i. 900 Custody

j. 1000 Personnel

Policies within each chapter begin with the hundred-number grouping for the chapter followed by the number specific to that policy.

Sections within each policy will be noted by the policy number followed by the decimal point and then the section number, e.g. 106**.1**.

Subsections will begin with the section number followed by a decimal point and then the subsection number, e.g. 106.1**.1**.

Sections or subsections may also include lettered or numbered lists for organizational clarity.

106.6 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18-years of age or older.

C.F.R. - Code of Federal Regulations

City - Shall mean the City of West Valley.

Civilian/Non-sworn – Employees and volunteers who are not sworn peace officers.

Department/WVPD - The West Valley City Police Department

DMV - The Department of Motor Vehicles

Employee/Personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18-years.

Manual - The West Valley City Police Department Policy Manual

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the West Valley City Police Department including sworn officers, reserve officers, civilian/non-sworn employees and volunteers.

Officer - Those employees, regardless of rank, who are sworn employees of the West Valley City Police Department.

On-Duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

POST - The Utah Peace Officer Standards and Training Section.

Rank - The title of the classification title held by an officer.

Shall or Will - Indicate a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor – A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other Department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one Department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

UHP – The Utah Highway Patrol

U.S.C. - United States Code

U.S.C.A. – United States Code Annotated

106.7 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. Hard copy backups of the Policy Manual may be found in the main Public Safety Building in the Report Writing Room and the Investigations Section area and in the common area of all Department Substations. No changes shall be made to the manual without authorization from the Chief of Police or authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that he/she does not fully understand.

106.8 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

106.9 REVISIONS TO POLICIES

New policies and revisions to current policies will be issued by the Chief of Police or his/her designee following staff review.

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall see clarification from an appropriate supervisor

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Unit Commander/Manager will ensure that members under his/her command are aware of any revisions to the Policy Manual.

108 - Department Goals and Objectives

108.1 PURPOSE AND SCOPE

To set and evaluate goals and objectives for the West Valley City Police Department on an annual basis in order to fulfill our mission to enhance the quality of life in our City and provide better service to the community.

108.2 ANNUAL WRITTEN STATEMENT

An annual written statement of the goals and objectives of the Police Department will be prepared as an adjunct of the budget process. The Chief of Police will ensure the annual goals and objectives are disseminated to all members of the Department.

108.3 ANNUAL REVIEW

A review and updating, if necessary, of these goals will be made as part of the regular command meetings chaired by the Chief of Police. Any changes to the goals based on this review will be made available to the members of the Department.

This review will include an evaluation of the progress made towards attainment of the goals. The Bureau Chiefs will be responsible for tracking and completing documented review of the process. The report will be forwarded to the Chief of Police.

108.4 BUREAU COMMANDERS RESPONSIBILITIES

Each Bureau Commander is responsible for developing operational goals for their bureau that are specific, measurable and quantifiable. These goals shall be developed in conjunction with overall Department goals and within budgetary limitations.

Each Bureau Commander will submit the goals and objectives for their bureau to the Chief. The Chief will maintain the goals and objectives of each Bureau for analysis at the end of the year.

108.5 EMPLOYEE INPUT

Each employee of the Department is encouraged to submit input through the chain of command for formulation of the goals and objectives of their unit.

108.6 FINALIZATION OF GOALS AND OBJECTIVES

Through a continuous improvement effort, the Chief of Police and Bureau Chiefs will review, update and finalize the Goals and Objectives statement for the Department on an annual basis.

108.7 PLANNING AND RESEARCH

Strategic planning and research is a shared activity within the West Valley City Police Department. This involves the development and utilization of limited personnel, equipment, and resources in ways that helps our agency achieve its goals and objectives.

Through the oversight of Bureau Commanders and regular meetings between the Chief of Police and Command Staff, the goals and objectives of the agency are regularly monitored and updated. Planning and research efforts include, but are not limited to, organizational activities such as the collection and analysis of data required for CALEA accreditation. This includes regular analyzes and administrative reviews of specific agency activities, such as, crime/traffic

trends and patterns, budget restraints and considerations, technology and equipment, and training needs. Other areas for analyzes and review include incidents of use of force, pursuits, recruitment, the personnel early warning system, and quarterly updates to bureau goals and objectives.

Planning and research activities also include ensuring that the agency is properly prepared for critical incident and unusual occurrences. Annual training and exercises are an important element of this process. Audits, inspections, and evaluations of various aspects of the police department also help ensure that the agency is properly addressing established goals and objectives as part of its planning and research function.

200 - Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish its mission and goals and to provide for the best possible service to the public.

200.2 OFFICE OF THE CHIEF

The Office of the Chief of Police is comprised of the Chief of Police, the Executive Officer, and the Executive Administrative Assistant.

200.3 BUREAUS

The Chief of Police is responsible for administering and managing the West Valley City Police Department. There are four (4) bureaus within the Department, which are commanded by a deputy chief or executive director, and comprised of sections/watches and units/squads, as follows:

200.3.1 OPERATIONS BUREAU

The Operations Bureau is the backbone of the Department and all other bureaus support the Operations Bureau. The Operations Bureau consists of Patrol Watches and an Investigations Section that contains a Domestic Violence Unit, Special Victims Unit, Major Crimes Unit, Property Crimes Unit, and Court Services Unit.

200.3.2 SUPPORT SERVICES BUREAU

The Support Services Bureau includes Forensics Section which includes a Forensic Unit and Evidence Unit, the Information and Intelligence Unit, and the Records Section.

200.3.3 SPECIAL OPERATIONS BUREAU

The Special Operations Bureau proactively supports the Operations Bureau and is tasked with special assignments and projects. It includes the Special Investigations Section which focuses on street crime and special enforcement activities, and the Community Services Section which includes a Community Policing (COP) Unit, Traffic Unit, K-9 Unit, and Crossing Guards.

200.3.4 PROFESSIONAL STANDARDS BUREAU

The Professional Standards Bureau oversees training, internal affairs, planning and research, budget, and accreditation. The Professional Standards Bureau is tasked with maximizing the integrity and professionalism of the Department through identification and implementation of best practices in all areas of employee and organizational performance and includes responsibility for the Department's overall strategic plan.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences, the Chief of Police will designate a member of the Command Staff to serve as the acting Chief of Police.

Unless otherwise designated by the Chief of Police, the order of command authority in the absence or unavailability of the Chief of Police will be the Deputy Chiefs in order of tenure. Tenured seniority is determined by: 1) time in grade; 2) time employed as a sworn member of this Department; 3) time employed in any capacity with the City of West Valley.

200.4.2 ON SCENE COMMAND

(a) When members of different units are engaged in a single operation, the highest-ranking supervisor assigned to the scene shall be in charge: The Chief of Police; the command officer of the primary unit; any other command officer; the supervisor of the primary unit; any other supervisor; employee of highest rank.

(b) Upon the arrival of a specialty unit supervisor (SWAT, Bomb Unit, Major Accident Investigation Team, etc.) or their designee, the Watch Commander relinquishes control of the incident. The specialty unit supervisor or designee may make additional requests for personnel or equipment that have not already been made by the Watch Commander.

(c) When patrol and investigations personnel are at the same scene simultaneously, the patrol unit shall be in charge, except in the case of a major crime scene or search, where investigations shall be in command.

(d) Civilian supervisors present at a field operation may not assume command even in the absence of other supervisors.

200.4.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

Employees who are given an otherwise proper directive that conflicts a previous directive, rule or regulation shall respectfully inform the supervisor issuing the directive of the conflict. If the supervisor issuing the directive does not alter or retract it, the directive shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Employees shall obey the conflicting directive and shall not be held responsible for disobedience of the directive, rule or regulation previously issued.

Employees shall not obey any directive that they know or should know would require them to commit any illegal act. If in doubt about the legality of a directive, employees shall request the issuing supervisor to clarify the directive or shall request to confer with a higher authority

200.5 AUTHORITY AND RESPONSIBILITY

Consistent with the principles of sound supervisory practices, all supervisory personnel will be held accountable for the performance of their subordinates. To facilitate this end, training

requirements for supervisory personnel are assigned in the job description and job task analysis, and in-service training for supervisors shall address employee career development.

Irrespective of rank, each employee within the organization has clearly articulated duties and responsibilities and is accountable to one supervisor at a given time. Each employee is hereby delegated the authority necessary to effectively execute those responsibilities. Each employee will also be held accountable for the appropriate application of that delegated authority.

200.5.1 DEFINITIONS

Authority - Authority is the statutory or policy vested right to give commands, enforce obedience, initiate action, and make necessary decisions. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered in violation of manual directives. Those persons involved shall be subject to disciplinary action.

Beat - A beat is a designation for the specific geographical district of the City.

Chain of Command - The chain of command is the hierarchical arrangement of positions or offices within this Department by level of duty or responsibility that establishes vertical authority by relationship in which each level is distinguished from all others by specific title, rank, or other special designation.

Civilian Employee - Any personnel, paid or volunteer, who is not sworn by oath of office.

Director - Any civilian employee who supervises a Section. This position is the civilian equivalent of a Lieutenant.

Line Command - Line command is the exercise of authority by a ranking officer over his/her immediate subordinates. This pertains to those duties and responsibilities for which he/she is held accountable as prescribed by Department policy.

Staff Command - Staff command is the exercise of authority by a ranking officer over subordinate officers. This primarily pertains to non-operational duties and responsibilities including those for which he/she is not directly accountable.

Personnel Complaint - A personnel complaint is any oral or written report containing objections in regards to the conduct of any member of the Department concerning any phase of police service.

Department - Department designates this police agency. It is known as the West Valley City Police Department, and its Chief of Police reports to the City Manager of West Valley City.

Bureau - A functional unit of the Department composed of units, sections, or details.

Section, Unit – Sections are functional units of the Department composed of shifts, units or details. Sections are typically commanded by lieutenants. Units are typically commanded by sergeants.

Special Duty - Special duty is a police service assignment, the nature of which requires that a member be excused from the performance of his/her regularly assigned duties pending the completion of the special duties. This term may be used interchangeably with "special assignment".

Tour of Duty - A member's tour of duty shall extend from the time he/she is required to report for work until the time when the work period has ended. At this time he/she is considered off duty. Tours of duty are prescribed by Department policy

Injury Leave - Injury leave is that period of time during which a member is excused from duty with pay due to an injury incurred in the line of duty.

Member - A member of this Department is any of its employees, either sworn or civilian.

Inter-Departmental Correspondence - An inter-departmental correspondence (IDC) is a written notice issued for the purpose of announcing information of special interest to persons directly and/or personally affected.

Police Officers - Police officers are members of this Department who are designated as such by virtue of their oath of office. Police officers are charged to carry out the responsibilities and duties prescribed to them by statute, ordinance, and policy.

Commanding Officers - Commanding officers are those police officers, or other designated members of the Department, who are responsible and directly accountable for the proper functioning of a section, bureau, unit, or watch. Commanding officers usually hold the rank of Lieutenant or above.

Officer in Training - An officer in training (OIT) is one who is selected and appointed as a probationary officer in the Department. An OIT serves in the capacity as a police trainee prior to the completion of his/her training period.

Supervising Officers - A supervising officer is a police officer, or other designated person, who performs supervisory duties. A supervising officer usually holds the rank of Sergeant.

General Orders, Procedural Orders, Special Orders, and Chief's Intra-Departmental Correspondences - General Orders, Procedural Orders, Special Orders, and Chief's Intra-Departmental Correspondences are written communications issued for the purpose of providing detailed instructions or outlines of the procedures to be followed to accomplish a major task or Departmental policy. These orders are issued by the Chief of Police.

Rank - Rank is a designation of a specific level of responsibility for execution of work, supervision, command, management, or administration. This specifically is distinguished from other levels by class specifications and name.

Rank Order - Rank order is the vertical relationship of the several ranks of this Department. This is in respect to ascending levels of authority and responsibility.

Rank Structure - Rank structure is the hierarchical arrangement of ranks within the Department. The ranks of this Department are listed below in descending order:

- Chief of Police
- Deputy Chief of Police
- Lieutenant
- Sergeant
- Police Officer/Police Officer 1st Class

Line Services - Line services are functions and activities which are basically concerned with fulfilling primary police responsibilities.

Staff Services - Staff services are non-line functions and activities, which serve the purposes of developing personnel into effective police officers, supervising officers, commanding officers, and administrators. Staff services are designed to develop this Department to most effectively meet its responsibilities and fulfill the police mission.

Watch - A watch designates one of the four basic time units for assignment of personnel. A watch is usually specified in terms of eight or ten hour periods.

204 - General Orders, Procedural Orders, Special Orders, and Chiefs Directives

204.1 PURPOSE AND SCOPE

General Orders, Procedural Orders, Special Orders, and Chiefs Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policies and/or institute new policies, consistent with Federal, State, Local, and City Laws, Policy, or Directives. These Orders will immediately modify or change and supersede sections of this manual to which they pertain. In emergency and/or unique acute circumstances these orders may be issued for a specified period of time, with the intention that they may not become a policy for inclusion in the manual.

204.1.1 ORDER PROTOCOL

General Orders, Procedural Orders, Special Orders, and Chiefs Directives will be incorporated into the manual as required upon recommendation of the Staff and the approval of the Chief. These Orders will modify an existing policy or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing General Orders, Procedural Orders, Special Orders, and Chiefs Directives have been incorporated in the updated Policy Manual or rescinded as of the below revision date.

Any of the above Orders issued after publication of the manual shall be numbered consecutively starting with the numerical sequence of the order "01, 02, 03, etc", followed by the last two digits of the year the order was issued in. For example, "01-08" signifies the first Order for the year 2008.

All new Orders and/or Directives will be issued electronically to all members on the department network for viewing and printing. Hard copy backups of these Orders and/or Directives will be maintained with the hard copy backups of the Policy Manual until such a time as they are rescinded or incorporated into the Policy Manual. These hard copy backups may be found the main Public Safety Building in the Report Writing Room and the Investigations Section area and in the common area of all Department Substations.

204.2 RESPONSIBILITIES

It is the responsibility of the Chief of Police and/or his/her designate to review and update the manual on at least an annual basis. General Orders, Procedural Orders, Special Orders, and Chiefs Directives shall be incorporated into the manual or rescinded at that time, if applicable.

204.2.1 STAFF

The Staff shall review and recommend revisions of the Policy Manual to the Chief of Police. Upon the Chief's approval the above orders shall be incorporated into the Policy Manual.

204.2.2 CHIEF OF POLICE

The Chief of Police or his/her designate shall issue all General Orders, Procedural Orders, Special Orders, and Chiefs Directives. All such orders shall be approved by the Chief of Police and be issued under his/her signature.

204.3 ACCEPTANCE OF CHIEF'S DIRECTIVES

All employees are required to read and obtain any necessary clarification of all General Orders. All employees are required to acknowledge the receipt and review of any new General Order. Signed acknowledgement forms, documented training and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Section.

205 - Administrative Reports

205.1 PURPOSE AND SCOPE

The administrative reporting system is designed to ensure that agency members are providing timely information needed for the effective management of the organization. Numerous time-sensitive reporting systems (inspections, analyses, audits, reports) are affected by specific accreditation standards, which enhance the overall performance of the agency.

Statistical and data summaries of agency activities are important to predicting workload, in determining personnel and other resource needs, and in preparing budgets. The purpose of each report must be clearly defined.

205.2 ADMINISTRATIVE REPORTS

Administrative reports include daily, monthly, quarterly, annual, biennial, triennial, and quadrennial reports. These reports provide management information on activities of the Department; ensure communication up the chain of command; and aid in both long and short-term planning. The reports originate in the Department's various sections and are drafted by those employees most familiar with the functions or duties that are summarized by the report. All reports of this nature will be forwarded up the chain of command to the Chief of Police or appropriate Deputy Chief.

(a) A daily report may be used to summarize significant occurrences during the previous twenty-four hours. Daily reports keep personnel informed of major crimes, accidents, arrests, and other important activities.

(b) A monthly statistical summary report provides an opportunity to account for the activities in the Department and Sections during the previous month.

(c) A quarterly report may consist of a summary of monthly reports. It provides comparative data, statistics and analysis of activities during the past quarter.

(d) An annual report may consist of a summary of quarterly reports. It provides comparative data, statistics and analysis of activities during the previous twelve (12) months.

A biennial, triennial, or quadrennial report reviews processes essential to the Department's effectiveness. It should examine procedures, policy and overall effectiveness. While it may rely in part on statistical analysis, its perspective should be broader in scope than mere statistical analysis.

205.3 ADMINISTRATIVE REPORT MAINTENANCE

An automated list of all administrative reports is maintained and available for review by all Deputy Chiefs. The database includes the following:

(a) The frequency of the report;

(b) The position responsible for completing the report;

(c) The purpose of the report and corresponding CALEA standard, if applicable;

(d) The status of the report;

(e) The distribution requirements for each report.

206 - Emergency Management Plan

206.1 PURPOSE AND SCOPE

The City has prepared an Emergency Management Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

206.2 ORGANIZATION AND RESPONSIBILITY

The Deputy Chief over the Special Operations Bureau will be responsible for overseeing Department responses to emergency events or disasters within the City and who will also act as a liaison for the Department in planning City responses to these types of situations. This will also include the responsibility of updating Department policy and personnel training as it relates to the City Emergency Management Plan.

206.3 ALL HAZARDS PLAN

206.3.1 NATURAL AND MAN-MADE DISASTERS

Disasters, both man-made and natural, pandemics and other incidents that include a large area with numerous victims, large scale property damage and multi-jurisdictional involvement, require the response of a wide variety agencies from across the City, County and/or the State. For these types of incidents, the City Emergency Management Plan will be activated. When the City's Emergency Management Plan is activated, the City Manager's Office is the lead agency for coordinating the response. The Police Department's role in these activations will be determine by the Incident Commander appointed by the City Manager, based on the nature of the incident. The City Emergency Management Plan is based on the National Incident Command System (ICS).

206.3.2 OTHER INCIDENTS

Other incidents which may require the activation of the Department's Incident Management System include critical incidents such as bomb threats, hostage/barricaded persons, acts of terrorism, mass arrests and other unusual incidents involving violations of the law. Small scale criminal events, or criminal events expected to last for a shift or part of a shift, and which do not require the assistance of outside agencies, may not require a full activation of the Police Department's Incident Management System and all its functions. The Incident Commander, generally the highest ranking on-duty supervisor, will determine what functions and resources are needed based on the nature of the incident.

Certain types of situations, such as bomb threats (Policy § 416) and hostage/barricaded persons (Policy § 414) are governed by other policies in this manual. The Incident Commander on these types of incidents will adhere to the appropriate policies.

206.4 ACTIVATING THE EMERGENCY PLAN

The Chief of Police or the highest ranking official on-duty may activate the City Emergency Management Plan in response to a major emergency or may activate the Department's Incident Management System in response to other complex or involved

incidents such as those listed above.

206.4.1 RECALL OF PERSONNEL

In the event that the City Emergency Management Plan or the Department's Incident Management System is activated, all employees of the West Valley City Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

206.4.2 EMERGENCY MOBILIZATION STATUS

All department members shall respond back to duty when called in the case of an emergency or the activation of the Emergency Management Plan. This will exclude those who are too ill to work.

206.5 FUNCTIONS AND RESPONSIBILITIES

206.5.1 COMMAND FUNCTION

Initially, the first responding officer to an incident will be the Incident Commander until relieved by a supervisor or command officer. Thereafter, the highest-ranking Department supervisor on-duty will assume command of the incident and be the Incident Commander.

At a minimum, the Incident Commander is responsible for:

(a) Activating the incident command system. The Incident Commander will determine the degree to which the Department's Incident Command System is implemented, based on the nature of the incident.

(b) Establishing a command post. The command post may be as simple as a specific meeting area or may the Incident Commander may utilize one or more of the mobile command vehicles or a permanent building.

(c) Initiating the notification and mobilization of additional personnel.

(d) Obtaining support from other agencies.

(e) Establishing a staging area if necessary.

(f) Providing public information and maintaining media relations.

(g) Maintaining the safety of all affected personnel.

(h) Preparing a documented after-action report.

Based on the nature, size, and complexity of the incident, the Incident Commander should give consideration to assigning other personnel to assist them with the responsibilities listed above.

206.5.2 OPERATIONS FUNCTION

The Operations Function is responsible to the management of all tactical operations directly

related to the primary mission of the incident. During major operations this position will likely be held by the Deputy Chief of the Operations Bureau. The Operations Function should be implemented when the Incident Commander is faced with a complex incident having major demands in one or more of the functional areas.

The Operations Commander may appoint an Operations Supervisor to assist him/her with the responsibilities of the Operations Function.

At a minimum, the Operations Function will be responsible for:

(a) Establishing a perimeter in order to isolate and protect the site of the incident. The perimeter should ensure that access to and egress from the incident scene is closely controlled.

(b) Evacuating or warning people in the area of the incident as necessary.

(c) Maintaining a command post and scene security.

(d) Providing for detainee transportation, processing and confinement. Detainees will be transported and processed according to Department policy.

(e) Directing and controlling traffic. It is important to establish a traffic control plan which redirects the flow of civilian traffic around the incident area and which provides controlled access into and out of the area for emergency responder vehicles.

(f) Conducting a post-incident investigation. This function may be delegated to the Investigations Section as appropriate.

206.5.3 PLANNING FUNCTION

The Planning Function is responsible for the preparation of a documented incident action plan and for the collection, evaluation, dissemination and use of information about the development of the incident and the status of resources. During major incidents, this position will likely be held by the Deputy Chief over the Special Operations Bureau.

At a minimum, the Planning Function will be responsible for:

(a) Collecting, managing and disseminating, as appropriate, all incident-related information and intelligence.

(b) Providing input to the Incident Commander and Operations Function for use in preparing the Incident Action Plan.

(c) Supervising the preparation of the Incident Action Plan.

(d) Conducting and facilitating planning meetings.

(e) Directing the Planning Section.

(f) Determining the need for specialized resources to support the incident.

(g) Providing the status of resources, and anticipated equipment and manpower needs to the Incident Commander and Operations Function.

(h) Assembling information on alternative strategies and contingency plans.

(i) Providing periodic prediction on incident potential.

(j) Reporting any significant changes in incident status.

(k) Overseeing the preparation of the demobilization and recovery plan in consultation with the Incident Commander.

206.5.4 LOGISTICS FUNCTION

The Logistics Function provide manpower, facilities, services and materials in support of the critical incident. During major incidents, this position will likely be held by the Deputy Chief over the Professional Standards Bureau.

At a minimum, the Logistics Function is responsible for:

(a) Communications.

1. Assign a common radio frequency for personnel and assisting agencies.
2. Establish frequencies that may be used for communications between the leaders of the participating agencies. Individual agencies should continue to use their own established frequencies for internal communications to prevent over-loading the common frequencies.
3. If appropriate, assign personnel to the Dispatch Center(s) to assist with communication needs.
4. Ensure that the Incident Command Post has the capability to communicate with all agencies present at the incident.
5. Establish a means of back-up communications should the radio communication become inoperable.

(b) Transportation.

1. Obtain vehicles from the City fleet or transportation sources such as the Utah Transit Authority (UTA) or local school districts.
2. Obtain necessary specialty vehicles.
3. Establish routes to and from the staging area and the incident scene.

(c) Medical Support. Work directly with the Fire Department and local hospitals to provide facilities/areas and personnel for patient triage, treatment and transportation.

(d) Supplies.

1. Provide incident specific equipment and supplies, including the appropriate protective equipment for personnel responding to the incident.
2. Provide food and water for all responders. This may include coordination with other agencies such as the Red Cross or private businesses to prepare, deliver, and/or purchase food.
3. Coordinate with the Fleet Manager to ensure that fuel and maintenance for responding equipment and vehicles is readily available.

(e) Specialized team and equipment needs. Identify and obtain any additional equipment required by specialized teams working the incident.

(f) Facilities. The Logistics Function will work with businesses and homeowners in the area of the incident to provide facilities for things such as personnel staging and rehabilitation, victim sheltering, and victim/witness interviews.

206.5.5 FINANCE/ADMINISTRATION FUNCTION

The finance and administrative function is responsible for all financial and cost analysis aspects of the critical incident. During major incidents, this position will likely be held by the Deputy Chief of the Professional Standards Bureau.

At a minimum, the Finance/Administration Function is responsible for:

(a) Managing all financial aspects of the incident to include procuring addition resources and recording incident specific expenses.

(b) Ensuring that all personnel time records are accurately completed and submitted to the appropriate agencies.

(c) Developing an operating plan for the Finance/Accounting Function

(d) Working with City Risk personnel to ensure that all injuries are documented and the appropriate claims are filed. Endure all other liability issues are documented and addressed.

206.6 DEMOBILIZATION AND RECOVERY

Once the Emergency Management Plan has been activated, efforts must begin to plan and prepare for the demobilization of resources and recovery. During single jurisdictional events that do not exceed the capabilities or resources of the Department, all demobilization efforts will be directed by the Incident Commander or his/her designee. The primary responsibility of demobilization and recovery efforts related to natural or man-made disasters of a large scale will be directed in accordance to the City Emergency Management Plan.

206.7 LOCATION OF MANUALS

The manual for the employees is available in Administration as well as in digital format. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented. The assigned Emergency Management Plan Supervisor will also ensure that copies of the manual are readily available to all other personnel within the Department.

206.8 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the public safety services building, all employees shall follow implemented evacuation plans and posted exit strategies. The posted exit strategies shall include any special directions for physically impaired employees.

206.9 UPDATING OF MANUALS

The Chief of Police or designee shall review and update, if necessary, the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS).

206.10 TRAINING

All sworn employees of the West Valley City Police Department will receive basic instruction on the function of the City Emergency Management Plan and Incident Command Structure (ICS) during recruit training of the in-house academy. All affected employees will receive documented refresher training on an annual basis, and will participate in a tabletop or full-scale training exercise on a biennial basis.

All Command level supervisors will participate in at least one City level emergency response training exercise annually to ensure familiarization of the Incident Command Structure and the City Emergency Management Plan. Typically, there are four exercises conducted each year through the City Emergency Management Coordinator.

207 – Special Events Plan

207.1 PURPOSE AND SCOPE

In an effort to provide consistent services to the community, the Department has established a process by which all special events will be handled.

207.2 DEFINITION

A special event is considered any activity that may require added attention in the area of traffic control, parking, pedestrian assistance or additional officers beyond the necessities of regular duty. These events may include such activities as: parades, festivals, races, carnivals, fairs, concerts, rallies, funerals, or any other event that may have or cause a large gathering of people or vehicles.

207.3 RESPONSIBILITY

The responsibility for reviewing, coordinating and planning special events will be assigned to the Department Special Events Coordinator. This assignment will be made at the discretion of the Chief of Police. The Department Special Events Coordinator may request additional assistance depending on the size and nature of the event to take place.

207.4 REVIEW PROCESS

The Department Special Events Coordinator will review all information relative to the proposed event and verify the following information:

- Nature of the proposed event
- Date and time of proposed event
- Location
- Need for special permits
- Traffic control (ingress and egress)
- Parking assistance
- Number of potential attendees or participants
- Any special needs
- Anticipated problems

Once all the necessary information is obtained, the Special Events Coordinator will review the details and make a determination what will be required from the Police Department.

207.5 EVENTS PLAN

A detailed plan will be put together by the Special Events Coordinator for the details of the event. The plan will include:

- Name of Supervisor responsible for the event
- Number of personnel working the detail
- Relief of assigned personnel if necessary
- Any specialized equipment being utilized

- Radio communications or channels
- Any traffic related information (i.e. ingress and egress plans)
- Parking issues
- Temporary traffic controls
- Access to and for public transportation
- Crowd control details or requirements including pedestrian crossings
- Access and space for news media if applicable
- Emergency vehicle access
- Coordination with outside agencies if applicable
- Any other pertinent information

A copy of the plan shall be forwarded to the Chief of Police, Deputy Chiefs, Watch Commanders and any other entity that may be affected by the operation. The Special Events Coordinator or the designated Supervisor for the event shall be responsible for all coordination with regular duty Supervisors and any outside agencies.

The designated Supervisor for the event shall hold a debriefing at the end of the event and provide an after-action report for documentation purposes and for future reference.

208 - Training

208.1 PURPOSE AND SCOPE

It is the policy of the Department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

208.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. This will ensure that the needs of this department are addressed and that there is accountability for all training which is provided. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever possible, the Department will use courses certified by the Utah Peace Officer Standards and Training Section (POST).

208.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of our personnel.

(c) Provide for continued professional development of Department personnel.

(d) Foster cooperation and unity of purpose among personnel.

208.4 ANNUAL RETRAINING PROGRAM

A retraining program will be developed and maintained by the Professional Standards Section Lieutenant. It is the responsibility of the Professional Standards Section Lieutenant to maintain, review and update the training plan on an annual basis. The plan will address the following:

- Compliance with POST-mandated annual certified training of not less than 40 hours (Utah Code 53-6-202(4)(a)).
- Firearms qualifications.
- Emergency vehicle operations.
- Arrest control tactics (defensive tactics).
- Low-lethality device training and re-certification.
- Use of force training.
- Ethics training (all employees).
- Cultural diversity training (all employees).

- Prohibition against bias-based profiling (all employees).
- De-Escalation training
- Policy review and update.
- Legislative changes/legal update and review.
- All Hazards Plan and Incident Command review.
- Hazmat awareness training.
- State-mandated training.
- Critical issues training.

All personnel will be required to complete the portions of the retraining program applicable to his/her assignment annually.

Personnel who fail to pass proficiency standards set for required training shall be provided remedial training until proficiency is demonstrated. If proficiency is not demonstrated, the Training Unit will notify the person's supervisor. Corrective action will be the responsibility of that person's chain of command.

208.5 TRAINING COMMITTEE

A training committee assists in developing and evaluating the Department's training needs and ensures that the needs of the Department are addressed and that there is accountability for all training provided. The Deputy Chief of the Professional Standards Bureau is responsible for the training of Department personnel and directly supervises the Department's Professional Standards Section Lieutenant.

(a) The Training Committee is comprised of the following:

1. Civilian Department Employee (as designated by the Chief of Police).
2. Deputy Chief of the Special Operations Bureau.
3. Deputy Chief of the Operations Bureau.
4. Lieutenant assigned to the Professional Standards Section.
5. Training Unit Sergeant
6. Appointed Department Representative.

(b) The Chief of Police will select and replace members of the Training Committee. All members are required to attend any scheduled meeting of the Training Committee or provide a designee in their absence.

(c) The Training Committee will meet at least bi-annually as directed by the Professional Standards Lieutenant and/or the Chief of Police. The Training Committee will report its evaluations and recommendations to the Chief of Police. Their duties include, but are not

limited to:

1. Evaluate Department training occurring since the last Training Committee meeting.
2. Identify specific training needs and resources.
3. Review and make recommendations regarding training equipment and facilities.
4. Establish and facilitate goals of the Training Committee between meetings of the Committee.

208.6 REQUESTS FOR TRAINING COURSES

Officers requesting to attend training classes will follow the procedures set forth below.

(a) Requests for training courses shall be submitted by the officer to his/her immediate supervisor using the Department Request for Training Form. This supervisor shall indicate his/her recommendation for approval or disapproval of the request. The request shall be forwarded to the supervisor's immediate supervisor for a similar recommendation. That supervisor shall forward the request to the appropriate Deputy Chief for final approval or disapproval. The training request should contain the following:

1. A description of the course.
2. Where and when it is to be held.
3. If preregistration is required, the date that it is due.
4. A flyer advertising the training containing a description of the course and its instructors if available. A syllabus for the training and hotel costs are required.
5. An itemized breakdown of the costs, listing:
   (a) registration fees
   (b) costs for travel
   (c) lodging
   (d) per diem
   (e) other expenses
   (f) total costs incurred

208.7 TRAINING PROCEDURES

Department personnel are required to attend all mandatory training as ordered by written, verbal, or electronic notifications.

(a) All employees shall receive approval to schedule training through their immediate supervisor. Once approval is received, the employee is permitted to sign themselves up through current Department software/procedures. Employees are permitted to make adjustments to previously scheduled dates/times with approval from their supervisor. All modifications must be made no later than two hours prior to the start of the training course. Excused absences from mandatory training are limited to:

1. Court appearances
2. Previously scheduled PTO

3. Sick leave
4. Physical limitations preventing the employee's participation
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor, or if unavailable, another supervisor within the same bureau of the notifying employee, and make adjustments to previously scheduled date/time through current Department software/sign-up procedures. Notification and changes must be made as soon as possible, but no later than two hours prior to the start of training.
2. Make arrangements through his/her supervisor to attend the same training on an alternate date.

(c) Employees who contact a member of the Training Unit to advise that they will be late, cannot attend at a previously scheduled time, or need to make adjustments to their scheduled date or time of training will be referred to their immediate supervisor for assistance.

(d) Officers who arrive after the start time of a training course or on a date/time other than previously scheduled will not receive credit for the course. Those officers will be referred to their immediate supervisor for remedy.

208.8 IN SERVICE TRAINING VERIFICATION

Both mandatory and elective training must be documented. Officers shall follow the procedures set forth below:

(a) After attending training each officer shall fill out a Training Verification Form and submit it to the Training Unit. If the training is in-house and a roll is kept, the roll shall be submitted to the Training Unit. This will take the place of a training verification form.

(b) The Training Unit will forward course information to the appropriate personnel for addition to the officer's training file. Each officer may receive a printout of his/her training record upon request. At this time the officer may request any corrections necessary. This training record will be forwarded to P.O.S.T. at the end of each training year.

(c) Compensation for training during off-duty hours shall conform to the compensation policy as outlined in Department policy.

208.9 SUCCESSION PLANNING

It is the Department's desire to provide an opportunity for employees to receive career development opportunities that lead to increasing levels of responsibility within the Department. Succession planning provides the means of identifying future leaders within the Department and provides those individuals with the education, training, mentoring and support they need to prepare them for critical roles when vacancies occur.

208.10 LESSON PLAN REQUIREMENTS

Lesson plans help to ensure the subject to be covered in training is addressed completely and accurately, and help to establish the purpose of the instruction and set performance objectives. Lesson plans are required for all courses conducted by members of this Department.

A lesson plan must contain:

(a) A statement of performance and job-related objectives.

(b) The content of the training and specification of the appropriate instructional techniques.

(c) A list of resources used in the development of the curriculum.

(d) A list of resources required in the delivery of the program.

(e) A process for approval of the lesson plan; and

(f) Identification of any tests used in the training process.

208.11 TRAINING CLASS RECORDS MAINTENANCE

The Training Unit Sergeant is responsible for maintaining records of each training class it conducts, to include:

(a) Course content (lesson plans);

(b) Names of Department attendees;

(c) Performance of individual attendees as measured by tests, if administered; and

(d) Retention schedule for lesson plans and related records.

208.12 ACCREDITATION MANAGER TRAINING

Department employees assigned to the position of accreditation manager shall receive specialized accreditation manager training within the first year of appointment to the position and will provide appropriate training to other agency personnel assigned to the accreditation process. Ongoing training will occur through involvement in the regional CALEA police accreditation coalition (PAC) and through periodic attendance at CALEA conferences.

212 - Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (e-mail) system by employees of this department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law.

212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message, including any attachment, that is transmitted over its e-mail system or that is stored on any department system.

The e-mail system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the department e-mail system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Department.

West Valley City maintains all email records for up to one (1) year.

212.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the e-mail system is prohibited and will not be tolerated. All E-mail messages sent will conform to West Valley City policy.

E-mail messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all users unless approved by the Chief of Police or a Section Commander. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would prevent the misuse of an individual's e-mail, name and/or password by others.

212.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database.

214 - Administrative Communications

214.1 PURPOSE AND SCOPE

Administrative communications of the Department are governed by the following policies.

214.2 INTRA-DEPARTMENTAL CORRESPONDENCE

Intra-Departmental Correspondence may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. Personnel should use Department letterhead only for official business and with approval of their supervisor.

214.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or his/her designee.

214.5 RESIGNATIONS PROCEDURE

A supervisor receiving a letter of resignation for any reason from an employee shall immediately notify their supervisor and email a scanned copy of the resignation letter to the persons occupying the following positions:

(a) Chief of Police, Chief's Executive Officer, and Chief's Executive Administrative Assistant;
(b) Deputy Chiefs and Executive Director;
(c) Lieutenant of the Professional Standards Section;
(d) Deputy Director of Human Resources for Public Safety;
(e) Lieutenant/Director and Sergeant/Supervisor of the resigning employee;
(f) Sergeant of the Training Unit;
(g) Logistics Officer of the Training Unit; and
(h) Administrative Assistant of the resigning officer's bureau.

Supervisors may not authorize any time off for an employee after they have submitted their letter of resignation. They should be referred to the Human Resources Department. If the resigning employee has paid time off scheduled after the time they turn in their letter of resignation, inform the Human Resources Department. If you receive notification from a subordinate supervisor that an employee has submitted his or her letter of resignation, make sure that the information is transmitted as indicated by this policy without delay.

220 - Officer CWL Endorsements

220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation and denial of concealed weapons (CWL) endorsement for officers and retired/former officers of the Department.

220.2 INTERSTATE CWL FOR PEACE OFFICERS

Full-time sworn officers of the Department who desire to carry a concealed firearm in other states are required, pursuant to 18 USC §926B to meet the following conditions:

(a) Each officer shall carry his/her Department identification whenever carrying such a weapon.

(b) Officers will remain subject to this and all other Department policies (including qualifying and training) and may not be the subject of any current disciplinary action.

(c) Officers may not be under the influence of alcohol or any other intoxicating or hallucinatory drug, including prescription drugs, which would impair their ability to safely handle a firearm.

(d) Officers must be aware that individual states may enact laws that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property.

(e) Officers must be aware that individual states may enact laws that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park.

Machineguns (as defined in §5845 of the National Firearms Act), firearm silencers (as defined in 18 USC §921), and destructive devices (as defined in 18 USC §921) are not approved "firearms" per 18 USC §926B.

220.3 INTERSTATE CWL FOR QUALIFIED FORMER LAW ENFORCEMENT OFFICERS OF THE DEPARTMENT

Any former officer, who departs full-time employment as an officer of the Department in an honorable manner, shall be issued a concealed firearm permit within five years of that departure pursuant to Utah Code §53-5-074 and in compliance with 18 USC §936C. For the purposes of this policy a "qualified former law enforcement officer" means and individual who:

(a) Was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(b) Has departed in an honorable manner after being regularly employed as a law enforcement officer for an aggregate of 15 years or more, or has qualified for, and accepted, a service disability retirement;

(c) Has a non-forfeitable right to benefits under the retirement plan of the Department;

(d) Is not under the influence of alcohol or any other intoxicating or hallucinatory drug, including prescription drugs, which would impair their ability to safely handle a firearm; and

(e) Is not prohibited by Federal law from receiving a firearm.

No "CWL Approved" endorsement shall be issued to any officer retiring or departing employment because of a psychological disability or mental instability.

A qualified former law enforcement officer who wishes to carry a concealed weapon must carry Department-issued, photographic identification that indicates that the former officer has met the state's training and qualification standards within, not less recently than, one year prior to the possession of the concealed firearm; or otherwise met the Department's established standards for training and qualification for active law enforcement officers for the type of weapon carried.

220.4 INTERSTATE CWL FOR QUALIFIED FORMER LAW ENFORCEMENT OFFICERS FROM OUTSIDE THE DEPARTMENT

Any former officer from another jurisdiction who wishes to obtain CWL identification required by federal law, under 18 USC 926C must:

(a) Apply for and receive photographic identification from the agency from which the individual retired certifying that they are a "qualified former law enforcement officer" as defined in this Policy manual §220.2(a); and

1. Have documentation on the photographic identification indicating that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise been found by the issuing agency to meet the standards of the issuing agency for training and qualification of active law enforcement officers to carry a firearm of the same type being carried, or
2. Have a separate certification issued by the State in which the individual now resides that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise been found by the State to meet the standards of the State for training and qualification of active law enforcement officers to carry a firearm of the same type being carried.

220.5 CARRYING FIREARMS OUT OF STATE

Subject to 18 USC § 926 B and 18 USC § 926 C, and the Firearms and Qualification Policy, § 312, qualified retired officers of the Department may be authorized to carry a concealed weapon in other states.

220.6 DENIAL OR REVOCATION OF CWL ENDORSEMENT

The CWL endorsement for any retired or former officer from this department may be denied or revoked only upon a showing of good cause. Good cause, if challenged, shall be determined in the following manner:

(a) In the event that a CWL endorsement is initially denied, the retired or former officer may file a petition for review with the Concealed Weapon Review Board.

(b) The denial of a license shall be in writing and shall include the general reasons for the action.

(c) If a retired or former officer appeals the denial, the retired or former officer shall have access to the evidence upon which the denial was based.

(d) Upon a ruling by the Concealed Weapon Review Board the retired or former officer shall be notified within 30 days.

220.7 REQUIRED NOTIFICATIONS

All employees of the Department and all retired officers with a Concealed Weapons License (CWL) endorsement shall promptly notify the Chief of Police or designee, in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal, and regardless of the penalty or sentence, if any.

All sworn employees and all retired officers with a Concealed Weapons License (CWL) endorsement shall further promptly notify the Chief of Police or designee, in writing, if the employee or retiree becomes the subject of a domestic violence restraining order issued by a court of competent jurisdiction.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

222 – Cash Management

222. 1 PURPOSE AND SCOPE

All West Valley City Police Department cash funds for which employees are authorized to receive, maintain, or disburse cash will be maintained and handled according to this policy.

222.2 ACCOUNTING FOR FUNDS

All funds received and disbursed will be recorded in a fund ledger or spreadsheet, to be maintained by the supervisor who has control over that fund. The ledger or spreadsheet will identify the initial fund balance. All credits (cash income received) and debits (cash disbursed) will be documented in the ledger or spreadsheet with the date, name of employee handling the funds, the type of transaction and the new balance.

Each employee who receives funds will keep receipts or documentation for the funds received. All disbursements will be supported with a signed receipt, invoice, expense form, Confidential Informant payment form or some other documentation supporting the disbursement.

222.3 AUTHORIZATION FOR CASH DISBURSEMENTS

All cash disbursements or expenditures of $500.00 or less must be approved by the employee's supervisor prior to the disbursement or expenditure of those monies. Expenditures or disbursements of cash funds over $500.00 but less than $1,000.00 require the prior approval of the employee's Bureau Chief. Disbursements or expenditures of $1,000.00 or more require prior approval from the Chief of Police.

222.4 CASH FUNDS

The following is a list of the cash funds within the Department:

(a) The Administrative Cash Fund

1. The Administrative Cash fund consists of cash and other forms of payment for items such as Department mugs, coins, hats, coasters, cufflinks, business cards, etc.

2. The Budget Manager will maintain a ledger or spreadsheet on this fund, which will identify the initial balance of the fund, if any, and cash received and for what purpose. The ledger will also indicate when the cash is deposited with the City Treasurer's Office and any remaining balance in the fund.

3. All cash received into the fund will be documented in the Budget Manager's ledger or spreadsheet.

4. No cash is disbursed from this fund, therefore no documentation is required for cash expenditures.

5. The Police Department Budget Manager, Officer Manager and the Administrative Assistant to the Office of the Chief are authorized to receive cash for this fund. The Office Manager and the Administrative Assistant should give all cash received for this fund to the Budget Manager on the day that it is received. The Budget Manager should

deposit cash received with the City Treasurer's Office on a daily basis. Deposits will be documented with a receipt from the City Treasurer's Office.

6. The Budget Manager is responsible for reporting the cash activity for this fund to the Executive Director of Support Services on a quarterly basis.

(b) Investigations Section Cash Fund.

1. The Investigations Section Cash Fund is cash used for the purpose of procuring evidence or information, the payment of informants for services rendered, or any other need that furthers an investigation. Supervisors and investigators receiving and disbursing cash for these purposes will do so according to Policy § 609, Accounting and Fund Disbursement.

2. The Investigations Section Lieutenant will maintain a ledger or spreadsheet that includes the initial balance of the fund, cash income received, cash disbursed and for what purpose, and the balance on hand.

3. The Investigations Section Lieutenant will document cash received into the fund in his/her ledger or spreadsheet. This documentation will include where or from whom the cash was received and for what purpose.

4. Authorization for cash disbursement will follow section § 222.3 of this policy.

5. Cash disbursed to investigators for the purposes described in this fund will be documented by the Investigations Section Lieutenant in the fund ledger or spreadsheet. Investigators requesting funds will complete a "Special Fund Request for Cash" form. When possible, expenditures should be supported with a receipt, a "Special Evidence Expense" form and/or a "Confidential Informant Payment" form. When this is not possible, the expenditure will be supported by an Interdepartmental Correspondence (IDC) from the investigator making the expenditure and approved by his/her immediate supervisor.

6. The Investigations Section Lieutenant or his/her designee is allowed to receive and disburse cash for this fund. Investigators and supervisors in the Investigations Section are allowed to receive cash from this fund for the purposes outlined above.

7. The Investigations Section Lieutenant is responsible for reporting the cash activity for this fund through his/her chain of command to the Executive Director of Support Services on a quarterly basis.

(c) Vice Narcotics Unit Cash fund.

1. The Vice Narcotics Unit Cash Fund is cash used for the purpose of procuring evidence or information, the payment of informants for services rendered, or any other need that furthers an investigation. Supervisors and investigators receiving and disbursing cash for these purposes will do so according to Policy § 609, Accounting and Fund Disbursement.

2. The Vice Narcotics Unit Sergeant will maintain a ledger or spreadsheet that includes the initial balance of the fund, cash income received, cash disbursed and for what purpose, and the balance on hand.

3. The Vice Narcotics Unit Sergeant will document cash received into the fund in his/her ledger or spreadsheet. This documentation will include where or from whom the cash was received and for what purpose.

4. Authorization for cash disbursement will follow section § 222.3 of this policy.

5. Cash disbursed to investigators for the purposes described in this fund will be documented by the Vice Narcotics Unit Sergeant in the fund ledger or spreadsheet. Investigators requesting funds will complete a “Special Fund Request for Cash” form. When possible, expenditures should be supported with a receipt, a “Special Evidence Expense” form and/or a “Confidential Informant Payment” form. When this is not possible, the expenditure will be supported by an Interdepartmental Correspondence (IDC) from the investigator making the expenditure and approved by his/her immediate supervisor.

6. The Vice Narcotics Unit Sergeant or his/her designee is allowed to receive and disburse cash for this fund. Investigators and supervisors in the Vice Narcotics Unit are allowed to receive cash from this fund for the purposes outlined above.

7. The Vice Narcotics Unit Sergeant is responsible for reporting the cash activity for this fund through his/her chain of command to the Executive Director of Support Services on a quarterly basis.

(d) The EASY Program Cash Fund.

1. The EASY Program Cash Fund is cash used for the purchase of alcoholic beverages by decoys between the ages of 18 and 20, who are employed by the Department, in order to assist in checking the compliance of local businesses regarding alcohol sales to minors. The activities of the decoys are monitored by sworn officers who take enforcement action as appropriate.

2. The supervisor in charge of the EASY Program will maintain a ledger or spreadsheet that includes the initial balance of the fund, cash income received, cash disbursed and for what purpose, and the balance on hand.

3. The supervisor in charge of the EASY Program will document cash received into the fund in his/her ledger or spreadsheet. This documentation will include where or from whom the cash was received and for what purpose.

4. Disbursements of cash from the EASY Program Fund may not exceed $100.00, and may be authorized by the supervisor in charge of the EASY Program or his/her designee.

5. Cash disbursed to officers or decoys for the purposes described in this fund will be documented by the supervisor in charge of the EASY Program in the fund ledger or spreadsheet. When possible, expenditures should be supported with a receipt. When this is not possible, the expenditure will be supported by an Interdepartmental Correspondence (IDC) from the officer supervising the decoy making the expenditure and approved by the supervisor in charge of the EASY Program.

6. The supervisor in charge of the EASY Program or his/her designee is allowed to receive and disburse cash for this fund. Officers and decoys participating in EASY Operations are allowed to receive cash from this fund for the purposes outlined above.

7. The supervisor in charge of the EASY Program is responsible for reporting the cash activity for this fund through his/her chain of command to the Executive Director of Support Services on a quarterly basis.

(e) The Records Section Cash Fund.

1. The Records Section cash fund is comprised of cash and other forms of payment received by the Records Section as fees for such things as police reports, records requests, sex offender registration fees, photo or video requests and other fees for services provided in accordance with the City's consolidated fee schedule.

2. The Records Section Supervisor will maintain a ledger or spreadsheet on this fund, which will identify the initial balance of the fund, if any, and cash received and for what purpose. The ledger will also indicate when the cash is deposited with the City Treasurer's Office and any remaining balance in the fund, kept for the purposes of making change for cash payments.

3. All cash received into the fund will be documented in the Records Section Supervisor's ledger or spreadsheet.

4. No cash is disbursed from this fund, therefore no documentation is required for cash expenditures.

5. Records Section employees who are assigned to the front desk and/or whose job it is to process requests for services from the public and accept fees for those services are authorized to receive cash for this fund. The Records Section supervisor will ensure that all cash received, with the exception of cash needed for the purposes of making change for cash payments, will be deposited with the City Treasurer's Office on a daily basis. Deposits will be documented with a receipt from the City Treasurer's Office.

6. Other than the normal making of change during a transaction, Records Section employees may only receive cash and are not allowed to make cash disbursements.

7. The Records Section Supervisor is responsible for reporting the cash activity for this fund to the Executive Director of Support Services on a quarterly basis.

222.5 REPORTING

Employees responsible for maintaining cash funds will submit a quarterly activity or reconciliation report through their chain of command to the Executive Director of the Support Services Bureau.

224 - Inspections

224.1 PURPOSE AND SCOPE

The inspection process serves to provide a review and oversight of Departmental operations, personnel and equipment.

Supervisors use line inspections to ensure compliance by Department employees in areas of appearance, maintenance of issued equipment, facilities, etc.

Staff inspections are in-depth reviews of all components of the agency. They are used as a management tool to assure the agency head that personnel are adhering to proper administrative procedures.

Inspections are also intended to create an atmosphere of self-analysis and continuous improvement among work components.

224.2 LINE INSPECTIONS

A line inspection is an inspection conducted by personnel in control of the persons, facilities, procedures, or other elements being inspected.

Although line inspections are an ongoing activity to ensure that employees are acting according to agency requirements, at a minimum, on a quarterly basis, supervisors shall inspect all personnel, work areas, and physical facilities under their control. Any clothing, equipment, or facility needing repair should be noted in the inspection and forwarded to the appropriated person for attention.

224.3 PROCEDURES FOR LINE INSPECTIONS

Supervisors will inspect the personnel, work areas, and physical facilities of their operational unit to identify issues such as:

(a) Worn out, ill fitting, or inappropriate clothing.

(b) Worn out, damaged, unsafe, or inoperative equipment.

(c) Unclean, disorganized, or unsafe work areas.

Supervisors will also utilize line inspections to ensure employee compliance with departmental policies, directives and orders. Examples of items to be inspecting are the wearing of a bullet proof vest, possession of a Department identification card, and adherence to grooming standards.

It is not intended that inspecting supervisors ensure compliance with all potential issues during the course of each inspection. Rather, a random selection of a variety of the potential issues, in addition to common issues like appearance and grooming, is preferred.

Regardless of the nature or extent of the inspection, supervisors who conduct inspections are required to document and follow up on deficiencies and ensure corrective measures are taken.

224.4 CORRECTIVE MEASURES

(a) Supervisors who discover problems during an inspection will initiate corrective action as soon as practical.

(b) A deficiency discovered during a personnel inspection will be documented in the employee's performance file.

(c) Corrective action for deficiencies concerning missing or damaged clothing or individually issued equipment requires the completion and submission through the chain of command of an IDC, and if the item is immediately required for the performance of the employee's duties, the employee's supervisor will contact a Training Section supervisor to arrange for a replacement.

(d) Replacement of worn-out clothing is the responsibility of the employee. A supervisor has the authority to mandate that a worn-out article of clothing be retired and replaced by the employee.

(e) Replacement of individually issued equipment will be handled through the Training Section.

(f) Corrective action for deficiencies concerning general issue equipment or some aspect of the work area or facility will be reported through the chain of command.

(g) Supervisors who encounter a serious problem during an inspection that could result in the compromise of safety to the employee, the public, or the Department will document the problem and replace such items immediately as outlined above. If the deficiency is serious and repair or replacement cannot be accomplished immediately, the affected employee will be placed on restricted duty until the deficiency is remedied.

(h) Deficiencies or damage to equipment that result from neglect or abuse may be cause for disciplinary action.

224.5 STAFF INSPECTIONS

A staff inspection is an inspection conducted by personnel who do not have control of the persons, facilities, or procedures to be inspected. The staff inspections is a quality control management tool designed to review objectively the Department's organizational units. Staff inspections involve the examination of all Department operations for efficiency, effectiveness, policy compliance and adequacy of management controls.

The results of staff inspections are reported to the Chief of Police and includes recommendations for improvement and/or corrections, and identifies positive aspects of the are being inspected.

The emphasis of staff inspections is on the system, rather than the individual.

224.6 PROCEDURES FOR STAFF INSPECTIONS

All staff inspections will be performed on a formal basis.

The purpose of the inspections will be identified and an IDC sent to all affected personnel within the affected bureau, section or unit, prior to the initiation of a staff inspection. All affected

personnel will be required to cooperate fully with the personnel assigned to the staff inspection.

Staff inspections will be performed as follows:

(a) On a quadrennial basis, each Deputy chief shall conduct a staff inspection of a bureau not under their command. This inspection shall include all sections and units within the bureau.

(b) The inspections shall consist of an objective review of the bureau's:

1. Facilities, property, and equipment;
2. Personnel; and
3. Administrative and operational practices to verify compliance with Department policies and procedures.

(c) The Deputy Chief may assign personnel under their supervision to assist them in conducting the staff inspection.

(d) Upon completion of the staff inspection, a written report shall be routed to the Chief of Police which documents the results of the inspection. The report shall include:

1. Exemplary areas;
2. Areas which would benefit from improvements; and
3. Recommendations for any improvements.

(e) The Chief of Police shall review the inspection reports and provide a copy to the affected bureau along with any recommendations the Chief believes are warranted based on a review of the inspection. The affected Deputy Chief shall ensure that areas noted as deficient or in need of correction are remedied as soon as practical.

Follow-up inspection reports will be completed at the direction of the Chief of Police.

300 – Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on reasonable uses of force. While there is no way to specify the exact amount or type of force which is reasonable in any situation, every member of this Department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force – Force intended or likely to cause death or serious bodily injury.

Display of force – A display of force occurs when a tool is out, visible to a subject, and commands are being given by the officer, or any officer, for the purpose of influencing the subject's actions.

De-escalation – De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

Force – The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

Physical force – Reportable physical force is the application of any physical technique or tactic to another person when that person is not voluntarily submitting to be searched, handcuffed, restrained, or moved.

Reasonable belief – Facts or circumstances known to an officer that would cause a reasonable officer to act or think in a similar way under similar circumstances.

Reasonable force – The amount of force necessary to protect oneself or another from another person's imminent use of unlawful force, or to effect an arrest by overcoming a subject's resistance.

Serious bodily Injury – An injury that creates a serious risk of death, or creates or causes permanent or protracted disfigurement or loss or impairment of the function of a bodily member or organ.

300.2 POLICY

Use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and

limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.2.2 DE-ESCALATION

Officers will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety. Examples of de-escalation techniques include but are not limited to:

(a) Exercising persuasion and advice and providing a warning prior to the use of force.

(b) Determining whether the officer may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain the subject.

(c) Requesting additional personnel to respond or make use of specialized units or equipment including Crisis Intervention Team (CIT) trained officers.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of the force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate response in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree

that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force to effect arrest, to prevent escape or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the officer.

(k) Potential for injury to officers, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting

individual. Officers may only apply those pain compliance techniques for which they have successfully completed Department-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force if the officer reasonably believes that the use of deadly force is necessary to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force when effecting an arrest or preventing an escape from custody following an arrest, when the officer has probable cause to believe that the person has committed a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer has probable cause to believe that there is an imminent risk of serious bodily injury or death to any other person if apprehension of the subject is delayed.

(c) If feasible, a verbal warning by the officer should be given prior to the use of deadly force.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 USES OF FORCE

Any use of force by a member of this Department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer will add a section to the end of his/her report titled **USE OF FORCE**. In this section the officer will detail the type of force used and articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. The officer will then copy and paste his/her narrative into the “Incident Summary” of the BlueTeam software and forward that report to the supervisor that was on scene or the supervisor who is assessing the use of force. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in Department policy, procedure or law.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the use of force.

The involved officer will also complete the initial BlueTeam entry and forward it to his/her supervisor prior to the end of the shift on which the response to resistance occurred.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to use of force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called excited delirium), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 PROFESSIONAL STANDARDS REVIEW BOARD

The Professional Standards Review Board (PSRB) will meet monthly to review the previous month's uses of force and/or complaints. The Board is comprised of a group of citizens selected by the City Manager and approved by the City Council. The PSRB will report their findings to the Police Chief for final review.

300.8 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or

unreasonable use of force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was used. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be included in the supervisor's administrative review (BlueTeam).
3. The recording of the interview should be retained until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) If there is any indication that the subject may pursue civil litigation, the supervisor should complete and route a notification through the appropriate channels. In addition, prompt notification will be sent to the City Attorney.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported use of force, the supervisor is still expected to complete as many of the above items as circumstances permit.
When the supervisor has completed the investigation into the use of force as described above, the supervisor will enter the response to resistance ensure that the officer has entered the use of force into the BlueTeam software program.

The supervisor will put the following information in the "Instructions" area:
(a) Case Number
(b) The supervisor's review of the use of force, including the officer's right to be there, the threat presented by the subject, etc.

300.8.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8.2 COMPLETION OF INVESTIGATION

(a) A display of force requires a single supervisor review, followed by submission to Internal Affairs via BlueTeam within 30 days of the incident.

(b) A use of force requires a two-supervisor review, followed by submission to Internal Affairs via BlueTeam and within 30 days of the incident.

300.9 DEBRIEFING USES OF FORCE

Uses of force may be debriefed informally between the officer(s) involved and his/her supervisors or may be debriefed formally with Command Staff and various section and unit supervisors. If a formal debrief is conducted, it will be held at a date and time determined by the Chief of Police or his/her designee. This will be a critical review of policy, procedure, risk issues, tactics, training and other issues uncovered in the incident and subsequent investigation of the incident.

300.10 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

300.11 ANNUAL ANALYSIS OF USES OF FORCE

The Professional Standards Bureau will conduct an annual analysis of all use of force reports, policies and practices. This analysis will be submitted to the Chief of Police and will include an overview and summary of trends or patterns, if any. The report will also include recommendations for additional or revised training, equipment needs and/or policy modifications.

306 - Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

306.2 POLICY

The West Valley City Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

306.3 USE OF RESTRAINTS

Only members who have successfully completed West Valley City Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

306.3.3 RESTRAINT OF JUVENILES

Discretion should be used when restraining a juvenile under 14 years of age. Factors an officer should consider are whether the juvenile is suspected of a dangerous felony or if the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

If it is necessary to change or alter the handcuffs on a detained individual, officers will utilize caution and control the detainee at all times. Prior to removing the handcuffs, officers shall put the replacement handcuffs on the detained individual, securing and double-locking them. After this is accomplished the first set of handcuffs may be removed.

306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical

care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be monitored until the spit hood is removed. Spit hoods shall be discarded after each use.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

306.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the department shall be used.

In determining whether to use the leg restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer shall document in a police report the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

(d) Any known or suspected drug use or other medical problems.

307 – Arrest Procedures and Detainee Transportation

307.1 PURPOSE AND SCOPE

This policy provides guidelines for the custodial arrest and transportation of individuals in custody of the West Valley Police Department.

307.2 POLICY

Custodial arrests and transportation of individuals who have been detained or taken into the custody of West Valley Police Department shall be conducted in accordance to this policy.

307.3 PROCEDURE FOR MAKING A CUSTODIAL ARREST

When making a custodial (physical) arrest of a person, and officer will:

(a) Inform the person being arrested of the officer's intention, cause and authority to arrest the person. This notice is not required if it will:

1. Endanger the life or safety of the officer or another person;
2. The person being arrested is actually engaged in the commission of, or an attempt to commit and offense; or
3. The person being arrested is pursued immediately after the commission of an offense or an escape.

(b) The officer will search the person incident to arrest.

(c) The officer will place the person in handcuffs, ensuring that the handcuffs are checked for fit and double locked per Policy § 306, Handcuffing and Restraints.

(d) If the person is to be interviewed/interrogated, the officer will inform the person of his/her Miranda rights and follow the procedures for custodial interrogations in Policy § 600.2, Custodial Interrogation.

(e) The officer will notify a supervisor of the arrest and will meet with that supervisor to complete a booking approval.

(f) Once booking is approved, the prisoner will be transported and booked into the booking facility following the procedures outlined in this policy.

307.4 VEHICLE INSPECTION

Prior to each tour of duty, vehicles will be thoroughly inspected for weapons and contraband.

Prior to and following each detainee transport the vehicle will be thoroughly inspected for weapons and contraband.

Any weapons or contraband discovered during such inspections will be documented by the

officer in a police report and logged into property.

307.5 DETAINEE SEARCH AND RESTRAINTS

All detainees must be thoroughly searched by the transporting officer prior to transport. The transporting officer will search the detainee even if the detainee was previously searched by another officer.

All detainees must be restrained prior to transport.

Absent unusual circumstances, detainees will be transported handcuffed behind their backs.

If circumstances such as the detainee's size, physical or mental condition, or transport duration render a behind the back position unreasonable, the detainee may be restrained using belly chain cuffs. If unavailable, handcuffs may be threaded through a belt, belt loop or restraining rope.

Leg irons or restraining rope can be used as leg restraints.

Flex cuffs may be used as hand or leg restraints and must be applied tight enough to restrain the detainee, but not so tight as to restrict circulation.

Handcuffs, belly chain cuffs and leg irons will be double-locked.

If it is necessary to change or alter the handcuffs on a detained individual, officers will utilize caution and control the detainee at all times. Prior to removing the handcuffs, officers shall put the replacement handcuffs on the detained individual, securing and double-locking them. After this is accomplished the first set of handcuffs may be removed.

307.6 DETAINEE/OFFICER TRANSPORT POSITIONS

Absent unusual circumstances, detainee will be transported in the right rear of cage-equipped vehicles, securely seat belted, in an upright position.

Detainees transported in vehicles not equipped with cages by a single officer will be securely seat belted in the front seat. Those transported by two officers will be securely seat belted adjacent to the secondary officer in the rear seat.

Multiple detainees will only be transported in caged vehicles.

Detainees who cannot be transported in an upright position will be transported side prone to avoid injury or death due to positional asphyxia.

307.7 ENROUTE TRANSPORT PROCEDURES

Prior to transport detainees will be properly secured in the transport vehicle with a seatbelt.

Prior to opposite gender transports, officers shall advise Dispatch of the vehicle's mileage.

Detainee transports may only be interrupted to take action to ensure the safety of another officer or civilian and risk to the detainee is minimal. Detainee transport will resume as soon as possible.

During transport the detainee will not be allowed to communicate with any outside parties.

Those detainees requiring restraints other than handcuffs will be transported directly to the appropriate Detention facility.

307.8 PROCEDURES UPON ARRIVAL AT TRANSPORT DESTINATION

Park the police vehicle in the area designated for receiving detainees.

Weapons will be secured in the transport vehicle's trunk or secure lockers at the facility. Officers must ensure that the trunk is locked prior to removing the detainee from the vehicle.

At the Adult Detention Complex, the detainee will be secured to the rail in the holding area until requested by the corrections officer who will remove the restraints at the conclusion of the booking search.

Verbally inform receiving agency personnel of any potential medical conditions, security issues, or suicide risk and note same in the appropriate spaces on the arrest sheet.

Turn over any required documents to the receiving authorities.

Officers will ensure that all paperwork documenting the transfer of the detainee is included with their report.

307.9 DETAINEE CARE AND PRISONER ESCAPES

Detainee care and security is the responsibility of the custodial officer. The custodial officer will take reasonable steps to ensure the safety and wellbeing of the detainee. The custodial officer will not let the detainee out of his/her sight or control until custody is transferred to another officer or a holding facility.

Should a detainee escape during transport, the officer shall immediately notify Dispatch, the Shift Commander and request emergency radio traffic only on the channel. The officer will provide a description of the escaped detainee, offense, last known location, direction of travel, and perimeter points for a K-9 search.

All reasonable efforts will be made to recapture the detainee, including area search, questioning known associates and family members, and checking locations the detainee has frequented in the past.

If an escape occurs in the jurisdiction of another agency, the officer will notify Dispatch and a supervisor who will relay the information to the agency having jurisdiction.

An offense report will be completed prior to the end of the officer's tour of duty detailing the circumstances of the escape and measures taken to recapture the detainee. The report will be forwarded to the Office of Professional Standards via the chain of command.

307.10 SPECIAL SITUATIONS

When a detainee is injured, becomes ill, or complains of injury or illness, fire rescue will be summoned to examine the detainee. Medical clearance must be obtained from either fire rescue or a medical facility prior to being transported to jail. If transport by ambulance is necessary due to the detainee's condition, the detainee will be accompanied by an officer. Two officers will accompany violent and combative detainees.

Mentally disturbed detainees who cannot be transported using normal procedures will be transported by medical personnel possessing the training, equipment, and skills to safely restrain the detainee. The officer will follow the ambulance to the receiving facility and remain there until the detainee is admitted. If criminal charges are pending, appropriate procedures for those charges will be followed.

Detainees taken or admitted to a medical facility for treatment shall remain in restraints unless removal is medically necessary. Detainees will be visually monitored by an officer. If restraints are removed from violent and combative detainees or those who are an escape risk, two officers are required.

Officers will closely monitor detainees in medical facilities including prohibiting visitors and phone calls, monitoring meals and utensils, remaining alert, not fraternizing with the detainee, and maintaining visual contact.

Officers transporting detainees from one facility to another should positively identify the person as the correct detainee who is to be transported. Any available photographic identification and detention records should be verified before the officer transports the detainee. The transporting officer will secure any applicable documentation associated with the reason for the transportation of the detainee. Any known information related to the detainee’s escape, suicide, or security risk should be recorded in the documentation that accompanies the detainee during transport. When a detainee is released from treatment, the officer will obtain a release which will be turned over to the receiving facility.

307.11 PRISONERS CONSIDERED SECURITY HAZARDS

The transporting officer shall notify the appropriate agency or court any time a transported prisoner is deemed a risk. The judge may allow or direct the use of restraining devices inside the courtroom. The transporting officer may request additional personnel for assistance or security.

307.12 MASS ARRESTS OR DETENTIONS

Should the event arise where a large number of individuals are detained or arrested during an event or incident, officers will proceed in accordance with this policy and adhere to the same restraint, transport, processing and confinement procedures that are set forth herein.

In circumstances where multiple individuals are required to be transported at the same time, the Department passenger van may be utilized. A minimum of two officers will accompany the transport for safety purposes. All previously mentioned policy and procedures will be adhered to.

308 - Control Devices and Techniques

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the West Valley City Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Response to Resistance Policy. Only those officers who have been trained on specific low lethality weapons are authorized to carry and/or use them. The Training Section shall maintain a list of authorized low lethality weapons.

308.2.1 APPROVED BATONS

(a) STRAIGHT STICK

1. This baton is 26" to 29" long and 1 1/4" in diameter with a weight of approximately 16 ounces.
2. This baton is made from second growth Hickory or any other appropriate hard wood. Its surface is smooth with no holes. Expandable aluminum batons authorized by this Department are also approved.
3. The baton is held in place in its holder by a ring and rubber grommet or specific expandable holder.

(b) EXPANDABLE BATON

1. This expandable baton is constructed from cold forged steel or steel combined with aluminum and is issued by the Department.
2. This baton is approved in 16", 21", 26", or 31" expanded lengths.
3. This baton will be carried in a secure manner while on the belt.

(c) IMPACT WEAPONS NOT APPROVED

1. Saps or lead filled gloves.
2. Short billy clubs or leather slappers.
3. Any other similar item carried with the intent to be used as impact weapons.

308.2.2 POST BATON USE REQUIREMENTS

In the event that a suspect is struck with an impact weapon, the suspect shall be examined by a medical doctor and a medical release shall be obtained. The on-duty supervisor shall be notified prior to a suspect being booked.

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of

Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets. Officers should consider the safety precautions prior to simultaneous deployment of devices.

308.4 RESPONSIBILITIES

308.4.1 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

308.4.2 TRAINING UNIT RESPONSIBILITIES

The Training Unit shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Training Unit or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions shall be returned to the Training Section for disposition. An IDC shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage. A copy of this IDC will also be forwarded to the Training Section.

308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in a holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and

in accordance with the needs of their assignment or at the direction of their supervisor.

308.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or SWAT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

308.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in a holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

308.7.2 PEPPER AND TEAR GAS PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed air launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper or tear gas projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper or tear gas projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Response to Resistance Policy (Policy § 300).

Each deployment of a pepper or tear gas projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper or tear gas projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

308.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Officers will notify West Valley Fire EMT's or Paramedics when person have been affected by the use of chemical agents. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

Officers will obtain the contaminated person's permission to decontaminate them. If permission is given, the officer will expose the contaminated person to fresh air if safe to do so. West Valley Fire EMT's or Paramedics will provide further decontamination as they deem medically appropriate. Subjects will not be forcibly decontaminated.

308.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

308.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

308.9.1 DEPLOYMENT

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option. Officers shall obtain supervisory approval prior to deploying a kinetic energy weapon on the scene of an incident.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

308.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

Officers carrying a shotgun designated for use with kinetic energy projectiles will not carry a shotgun designated for lethal rounds or regular shotgun ammunition.

308.10 TRAINING FOR CONTROL DEVICES

The Training Unit shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained at least

once every two years.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

(d) For officers who fail to attend mandatory training with a control device, notification will be sent through their chain of command informing their supervisor of the officer's noncompliance. The officer will be restricted from carrying the control device and may be subject to discipline through their chain of command.

(e) Any officer of the Department issued or authorized to use a less lethal weapon shall be provided copies of and instruction on those directives, policies, or procedures relating to the use of said weapons before being authorized to carry said weapon.

308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Response to Resistance Policy, § 300.

309 - Conducted Energy Weapon

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Weapons (CEWs).

309.1.1 CEW DEPLOYMENT

The CEW can be deployed in the following two ways;

(a) The CEW can be deployed by the discharge of 2 probes towards the subject. Connecting wires from the base unit to the probes delivers an electrical discharge from the battery in the base unit for a predetermined length of time. The base unit automatically terminates the electrical discharge after the predetermined length of time has elapsed. If the officer determines, for safety reasons, another application of the electrical discharge is required, the officer may pull and release the base unit trigger and apply another application for a predetermined length of time of electrical discharge to the subject to gain control and or compliance. If the officer holds the trigger of the base unit down without releasing it, the electrical discharge will continue past the predetermined length of time until the trigger is released. When an officer applies a second application of electrical discharge by pulling the base unit trigger a second time, a separate pair of probes will automatically deploy from the CEW's second cartridge.

(b) The CEW can also be applied by making direct contact with the subject and the device itself. This direct contact technique or "drive stun" does not require probes to be deployed. A drive stun is delivered by making direct contact with the subject and the device and depressing one of the two arc switches located on either side of the base unit. The officer may control the length of time the electrical discharge is applied by the length of time the arc switch is depressed and/or the length of time the CEW is in direct contact with the subject.

The number, type, and length of deployments of the CEW to a threatening and or dangerous subject is determined by the subject's compliance, the termination of the threat of injury or harm to all parties involved, the totality of the circumstances surrounding the incident, and the information taught by certified department instructors.

309.2 POLICY

The Conducted Energy Weapon device 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.

309.2.1 SUPERVISOR RESPONSIBILITIES

(a) Supervisors shall respond to all scenes where an CEW has been deployed and insure that proper care has been rendered to any affected persons.

(b) Supervisors shall ensure that injuries are documented with photographs.

(c) Supervisors shall review the incident reports of the officer/s involved and ensure that they clearly articulate the reason for the use of the CEW and document the medical care rendered to the person/s after the arrest.

(d) Supervisors shall ensure the CEW memory is downloaded and a copy of the history is attached to the officer's report for the use of force review. Any uses of the CEW noted on the downloaded report must be addressed in the Use of Force/ Pursuit Report. (300.4)

(e) Supervisors will conduct audits of the CEWs during regular employee inspections (announced and unannounced) and address any questions relating to the use of the CEW as documented in the memory Download. Appropriate disciplinary measures may be taken against any officer/s who have violated policy in use of his/her CEW.

309.3 ISSUANCE AND CARRYING CEWS

Only members who have successfully completed department-approved training may be issued and carry the CEW. Any employee of the Department issued or authorized to use a CEW shall be provided copies of, and instruction in, those directives, policies, or procedures relating to the use of said weapon. Documentation of the issuance of and instruction on the directive listed above shall be placed in the employee's training file.

CEWs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the Department's inventory.

Officers shall only use the CEW and cartridges that have been issued by the Department. Uniformed officers who have been issued the CEW shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CEW in the driver's compartment of their vehicle.

Members carrying the CEW should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the CEW in a weak-side holster on the side opposite the duty weapon.

(a) All CEWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the CEW.

(c) Officers shall be responsible for ensuring that their issued CEW is properly maintained and in good working order.

(d) Officers should not hold both a firearm and the CEW at the same time.

309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the CEW may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the aiming laser and/or display a warning arc in a further

attempt to gain compliance prior to the application of the CEW. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

A warning arc is intended to be a de-escalation technique and may only be used when the requirements for the application of the CEW have been met (Policy 309.5.1). A warning arc is activated by pointing the CEW in a safe direction and depressing one of the arc switches located on either side of the base unit. A warning arc will be activated for as long as the arc switch is depressed. If feasible, a verbal warning should accompany a warning arc.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CEW in the related report.

309.5 USE OF THE CEW

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely approach the subject within the operational range of the device. Although the CEW is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

309.5.1 APPLICATION OF THE CEW

The CEW may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CEW to apprehend an individual. The CEW should also not be used on subjects in elevated positions (e.g., fences, rooftops).

309.5.2 PROBE REMOVAL

(a) CEW probes still lodged in the subject may only be removed by fire department medical personnel after the subject has been handcuffed, searched and secured by the officer.

(b) Additional aid may be rendered by fire department medical personnel at this time. The responding fire department medical personnel's Unit Number and case number will be included in the officer's report.

(c) CEW probes that are lodged in sensitive areas of the subject (groin, face, head, female breast, buttocks, or other sensitive areas) should be removed by medical personnel (fire department paramedics or physicians as circumstances may require) to minimize any potential damage to the subject or claim of misconduct against officers.

309.5.3 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW on certain individuals should generally be avoided unless the totality of the

circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the CEW in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The CEW shall not be used to psychologically torment, elicit statements or to punish any individual.

309.5.4 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CEW probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

309.5.5 MULTIPLE APPLICATIONS OF THE CEW

Officers should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CEW against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications. Fifteen seconds of exposure, and/or continuous or multiple applications may increase risk of serious injury.

If the first application of the CEW appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CEW, including:

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one CEW at a time against a single subject.

309.5.6 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all CEW discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.5.7 DANGEROUS ANIMALS

The CEW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

309.6 DOCUMENTATION

Officers shall document all CEW discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Response to Resistance Policy, § 300. Unintentional discharges, pointing the device at a person and laser activation will also be documented on the report form. Officers should also include justification for every discharge (cycle) of the CEW.

309.6.1 CEW FORM

Items that shall be included in the initial report are:

(a) The type and brand of CEW and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any display or laser deterred a subject and gained compliance.

(d) The number of CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CEW was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Training Unit should periodically analyze the reports to identify trends, including

deterrence and effectiveness. The Training Unit should also conduct audits of data downloads and reconcile reports with recorded activations. CEW information and statistics, with identifying information removed, should periodically be made available to the public.

309.6.2 REPORTS

The officer should include the following in the arrest/crime report:

(a) Identification of all witnesses

(b) Medical care provided to the subject

(c) Observations of the subject's physical and physiological actions

(d) Any known or suspected drug use, intoxication or other medical problems

309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body. Used CEW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CEW probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW.

309.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to all incidents where the CEW was activated.

A supervisor should review each incident where a person has been exposed to an activation of

the CEW. The device's onboard memory should be downloaded through the data port by a supervisor or Training Unit and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

309.9 TRAINING

Personnel issued or authorized to use a CEW shall be provided copies of and instruction on those directives, policies, or procedures relating to the use of the CEW before being authorized to carry the CEW.

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial department-approved training.

Proficiency training for personnel who have been issued CEWs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Lieutenant. All training and proficiency for CEWs will be documented in the officer's training file.

Command staff, supervisors and investigators should receive CEW training as appropriate for the investigations they conduct and review.

Officers who do not carry CEWs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Lieutenant is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEWs during training could result in injury to personnel and should not be mandatory for certification.

The Training Lieutenant should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the CEW and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the CEW.

310 - Officer-Involved Critical Incidents

301.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for the investigation of an incident that qualifies as an Officer Involved Critical Incident.

310.2 DEFINITIONS

The definition of an Officer Involved Critical Incident is any of the following:

(a) The use of a dangerous weapon by an officer against a person that causes injury to any person;

(b) A fatal injury to any person except the officer, resulting from the use of a motor vehicle by an officer;

(c) The death of a person who is in law enforcement custody, but not including deaths that are the result of disease, natural causes, or conditions that have been medically diagnosed prior to the person's death; or

(d) A fatal injury to a person resulting from the efforts of an officer attempting to prevent a person's escape from custody, make an arrest, or otherwise gain physical control of a person.

310.3 INVESTIGATION RESPONSIBILITY

This Department conforms to the Officer Involved Critical Incident Investigative Protocol when an Officer Involved Critical Incident (OICI) occurs. Upon a qualifying event, the OICI Protocol is immediately in effect. The protocol investigation will be conducted by a Protocol Team designated by the OICI Protocol Coordinator, the District Attorney's Office, and the Chief of Police. Investigators in the Department may not be responsible for investigating OICI's involving a Department officer. They may, however, assist in the investigation if requested by the Protocol Team Leader.

310.4 TYPES OF INVESTIGATIONS

OICI's involve several separate investigations. The investigations may include:

(a) A protocol investigation of the incident by an OICI Protocol Team or, at the request of the Chief of Police, an outside law enforcement agency. The purpose of this investigation is to identify the facts surrounding the actions of the involved officer(s) leading up to and during the OICI. This investigation will be presented to the District Attorney.

(b) A criminal investigation of the incident may be conducted by the designated Protocol Team, the West Valley City Police Department or by an outside agency at the request of the Chief. The purpose of a criminal investigation is to identify potential criminal activity perpetrated by any person(s), other than the involved officer(s).

(c) A civil investigation may be conducted by the Legal Department to determine potential liability.

(d) An administrative investigation will be conducted to determine compliance with Department policy and procedure.

310.5 JURISDICTION

Within Salt Lake County, jurisdiction will be determined jointly by the Chief of Police, the Salt Lake County District Attorney, and the Protocol Coordinator. If an OICI occurs outside of Salt Lake County, jurisdictional determination will be the responsibility of the venue agency.

The following scenarios outline the jurisdictional responsibilities for investigating an OICI.

310.5.1 WEST VALLEY CITY POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

When an OICI involving an officer of this Department occurs within West Valley City's jurisdiction, the West Valley City Police Department is responsible for the civil investigation and the administrative investigation. A protocol investigation of the OICI will be conducted in accordance with the Officer Involved Critical Incident Investigative Protocol. A criminal investigation may be handled by the Department or by the assigned Protocol Team.

310.5.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

When an OICI involving an allied agency's officer occurs within West Valley City's jurisdiction the West Valley City Police Department may, if requested, handle the criminal investigation of the OICI. A protocol investigation of the OICI will be conducted in accordance with the OICI Investigative Protocol. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

310.5.3 WEST VALLEY CITY POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

When an OICI occurs involving a West Valley City Police Department officer in another jurisdiction a protocol investigation of the OICI will be conducted in accordance with the OICI Investigative Protocol. The venue agency has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation to the OICI Protocol Team. The West Valley City Police Department will conduct civil and/or administrative investigations.

310.6 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an OICI.

310.6.1 DUTIES OF INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an OICI, the first uninvolved supervisor should:

(a) Ensure the scene is safe/secure.

(b) Take all reasonable steps to obtain emergency medical attention for injured individuals.

(c) If necessary, the supervisor will administratively order any officer from this Department to immediately provide public safety information necessary to secure the scene, locate injured persons, and pursue suspects.

(d) Whenever possible the supervisor should utilize the Department Public Safety Statement Form when collecting public safety information.

(e) Public safety information shall be limited to such things as outstanding suspect information, injured parties, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(f) The initial on-scene supervisor shall not order any involved officer to provide information regarding the incident, with the exception of public safety information.

(g) Provide all available information to the Watch Commander and Valley Emergency Communications Center. If feasible, sensitive information should be communicated over secure networks.

(h) Take command of and secure the incident scene with additional personnel until relieved by other assigned personnel.

(i) As soon as practical, involved officers should be separated from citizens, co-workers, media, and suspect(s). One officer may be assigned to stay with an involved officer. This officer should be directed to avoid discussing the OICI with the involved officer.

(j) Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

(k) If an officer is separated from his/her weapon, the officer will be provided with a comparable replacement weapon as soon as practically possible.

(l) Upon arrival of the OICI Protocol Team, the supervisor will brief the Protocol Team Leader. At this time, the protocol investigation will be turned over to the Protocol Team.

310.6.2 WATCH COMMANDER DUTIES

Upon learning of an OICI, the Watch Commander shall be responsible for coordinating all aspects of the incident until relieved.

310.6.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Chief of Police
- Deputy Chiefs of Police
- Investigation Section Lieutenant who will notify the OICI Protocol Coordinator
- Internal Affairs and Inspections Bureau supervisor
- City Attorney's Office/City Risk Analyst
- Peer support personnel
- Officer representative (if requested)

310.6.4 MEDIA RELATIONS

All media inquiries about the incident shall be directed to the Chief of Police or Public Information Liaison. Media releases will be determined through a cooperative effort of the venue agency, the Protocol Team Leader, and the employing agency.

The identities of involved officers will only be released at the discretion of the Chief of Police or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police or his/her designee.

310.6.5 INVOLVED OFFICERS

At the scene, the Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

(a) Any request for Department or legal representation will be accommodated. While officers may meet individually with an attorney or any representative, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with Department representatives (e.g., Peer Support) will be privileged only as to the discussion of non-criminal information.

(d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer upon request.

   1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

   2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the officer, equipment or clothing (e.g., blood, fingerprints) until investigators or lab personnel can properly retrieve it.

Department supervisors shall make reasonable accommodations to meet the officer's physical and emotional needs.

310.7 THE OICI INVESTIGATION

310.7.1 DETECTIVE PERSONNEL

Once notified of an OICI, it shall be the responsibility of the Investigation Section supervisor to coordinate with the Protocol Team Leader to determine who will handle the investigation of related crimes. Detectives may be assigned to liaison with the Protocol Team as outlined in the OICI Investigative Protocol or may be assigned to separately handle the investigation of any

related crimes not being investigated by the Protocol Team.

310.7.2 CRIMINAL INVESTIGATION

It shall be the policy of the Department to utilize the Officer Involved Critical Incident Investigative Protocol to ensure an independent criminal investigation is conducted of any incident qualifying as an OICI.

If required, the Department may assign detective personnel from this Department as a liaison investigator(s) who will work with investigators from the Protocol Team as outlined in the Officer Involved Critical Incident Investigative Protocol.

Once public safety issues have been addressed, and the incident has been turned over to the Protocol Team, an involved officer will have the option of providing a voluntary statement to the Protocol Team. The following shall be considered for the involved officer:

(a) Department supervisors and Department Internal Affairs and Inspections Bureau personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

(b) Prior to giving any statement and if requested, an involved officer will be afforded the opportunity to consult with an attorney or with a representative of his/her choosing.

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

310.7.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this Department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the OICI.

All related Department reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor or investigator for approval. Privileged

reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the Chief of Police or his/her designee.

310.7.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an OICI or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. Advise members of the Protocol Team of the existence of any identified witnesses.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to remain on scene until they can meet with members of the Protocol Team. Such witnesses, if willing, may be transported by Department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a Department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

310.8 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an OICI, this Department will conduct an internal administrative investigation to determine conformance with all Department policy. This investigation will be conducted under the supervision of the Internal Affairs and Inspections Bureau and will be considered a confidential peace officer personnel file.

(a) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interview(s).

(b) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator may conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer'(s) physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.
3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview).
4. The officer will be given an administrative order to provide full and truthful answers to all questions. The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (*Garrity* admonishment).
5. The administrative interview shall be considered part of the officer's confidential personnel file.
6. The Internal Affairs and Inspections Bureau shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Professional Standards Review Board, which will restrict its findings as to whether the officer's actions were compliant with Department policy.
8. Any other indications of a violation of any policy shall be determined in accordance with standard disciplinary procedures.

310.9 AUDIO AND VIDEO RECORDINGS

Officers involved in any officer-involved critical incident will be permitted to review their own recordings when requested.

(a) The on-scene supervisor of an officer-involved critical incident will ensure that the BWC is turned off and that Department policy is adhered to in regard to the preservation of any and all evidence. The BWC will remain in the possession of the involved officer until documented by the assigned investigative team.

(b) The data captured during an officer involved critical incident by the BWC may only be viewed as directed by the commander of the investigative team, at times when exigent circumstances such as when an officer is injured and the need exists to identify the involved suspect; or with the approval of the Chief of Police.

Any video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting with the Protocol Team Leader, the District Attorney's Office, and the City Attorney's Office as appropriate.

310.10 VALLEY EMERGENCY COMMUNICATIONS CENTER RESPONSIBILITIES

The on-duty communications person shall:

(a) Dispatch any requested medical aid.

(b) Notify the field supervisor or Watch Commander of the incident.

(c) Assign additional units as requested by the field supervisor, watch commander, or incident commander.

(d) Direct any media inquiries to the appropriate Department public information liaison.

310.11 PEER SUPPORT AND CHAPLAIN SERVICES

In all cases where any person has been injured or killed as a result of a qualifying OICI event, the involved officer(s) and his/her family will have available to them the services of the Department Peer Support Team and chaplain.

Policy Title

CALEA Standard(s): 4.1.3, 4.2.1, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 33.1.5

312 - Firearms and Qualification

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use and documentation of training in the use of firearms. The Chief of Police or designee shall approve all Department firearms before they are acquired and utilized by any employee of the Department.

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Armorer during a regularly scheduled range date. All employees must demonstrate proficiency with the use of Department authorized weapons as well as authorized privately owned weapons prior to approval to carry and use the weapon(s). No firearm shall be carried by an employee who has not qualified with that weapon at an authorized Department range.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by Department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Bureau Commander. This exclusion does not apply to the carrying of any knife that is not otherwise prohibited by law.

List of all Authorized Firearms

The Training Unit shall maintain a list of all authorized firearms.

Weapons Records

(a) The Training Unit will maintain a record of each weapon that has been authorized for officers to carry. The record will include:

1. Make, model, caliber and serial number of each weapon.
2. Officer assigned to each weapon.

(b) Qualification records for each weapon will be maintained through the Training Unit. Included in each qualification record will be the following:

1. Name of qualifying officer
2. Date of qualification.
3. Make, model, caliber and serial number of each weapon qualified with.
4. Pass or fail score; and
5. Name of the firearms instructor who verified the qualification score.

312.2.1 DUTY WEAPONS

The standard authorized Department-issued handguns are the Glock, Models 17, 19, 26 and 43.

312.2.2 AUTHORIZED SECONDARY WEAPONS

Officers desiring to carry a secondary weapon are subject to the following restrictions:

(a) The weapon must be approved on an individual basis by the Chief of Police. A letter of authorization will be placed in the officer's file.

(b) Only one secondary weapon may be carried at a time.

(c) The purchase of the weapon shall be the responsibility of the officer.

(d) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.

(e) It will be the responsibility of the officer to submit the weapon to the Department Armorer for inspection prior to being carried. The Department Armorer shall ensure that the officer is proficient in handling and firing that weapon and that it will be carried in a safe manner. The weapon shall be subject to inspection whenever deemed necessary. If the Department does not have a certified armorer for a personally owned, authorized firearm, it will be the responsibility of the officer owning the firearm to furnish proof of an inspection and safety certification of the firearm to the Department Armorer. This shall be noted in the officer's training file. The officer will successfully qualify with the weapon prior to it being carried. The range qualification dates will be specified by the Department Armorer.

(f) Ammunition shall be Department-issue. If the caliber of the weapon is other than Department-issue, the Chief of Police or his/her designate shall approve ammunition.

(g) Personnel shall qualify with the secondary weapon under range supervision. Officers must demonstrate their proficiency, safe handling and serviceability of the weapon. A minimum qualifying score is 80% of the total score possible.

(h) Personnel shall provide written notice of the make, model, color, serial number and caliber of a second weapon to the Armorer.

312.2.3 AUTHORIZED OFF-DUTY WEAPONS

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, other than the Department-issued firearm, while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

(a) The weapon must be approved on an individual basis by the Chief of Police. A letter of authorization will be placed in the officer's file.

(b) The purchase of the weapon and ammunition shall be the responsibility of the officer.

(c) The weapon shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.

(d) It will be the responsibility of the officer to submit the weapon to the Department Armorer for inspection prior to being carried off-duty. The Department Armorer shall ensure that the officer is proficient in handling and firing the weapon and that it will be carried in a safe manner. The weapon shall be subject to periodic inspection by the Department Armorer. If the Department does not have a certified armorer for a personally owned, authorized firearm, it will be the responsibility of the officer owning the firearm to furnish proof of an inspection and safety certification of the firearm to the Department Armorer. This shall be noted in the officer's training file. The officer will successfully qualify with the weapon prior to it being carried. The range qualification dates will be specified by the Department Armorer.

(e) A complete description of the weapon shall be contained on the qualification record approved by the Department Armorer.

(f) If any employee desires to use more than one weapon while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each weapon used.

(g) Officers shall only carry department-authorized ammunition.

(h) When armed, whether on or off duty, officers shall carry their badge and Department identification.

(i) Thoughtful consideration should be given before taking police action off duty.

312.2.4 AMMUNITION

Officers shall carry only Department-authorized ammunition. Officers carrying personally owned authorized firearms of a caliber differing from Department-issued firearms shall be responsible for obtaining fresh duty ammunition at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Department Armorer when needed in accordance with any established policy.

The Training Unit shall maintain a list of authorized ammunition.

312.2.5 ALCOHOL AND DRUGS

Weapons shall not be carried by any officer who has consumed any amount of an alcoholic beverage. Weapons shall not be carried by any officer who has taken any drugs that adversely affect the officer's senses or judgment.

312.2.6 PROVISION OF WRITTEN DIRECTIVES

Any employee of the Department issued or authorized to use a firearm shall be provided copies of and instruction in those directives, policies, and/or procedures related to the use of said weapons.

Documentation of the issuance of and instruction on the directives listed above shall be placed in the employee's training file.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on- and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.3.1 SAFETY CONSIDERATIONS

(a) Officers shall not unnecessarily display or handle any firearm.

(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Department Armorer. Officers shall not dry fire or practice quick draws except under Department Armorer supervision.

(c) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in a safe manner in the parking lot and outside of the vehicle.

(e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location.

(f) Officers shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon (from the armory), except when he/she has qualified with that weapon and with approval of a supervisor.

(g) Any weapon authorized by the Department to be carried on- or off-duty, that is found by the officer to be malfunctioning or needing service shall not be carried. It shall be promptly presented to the Department Armorer, or factory certified armorer in the case of personal weapons, for inspection. Any weapon determined to be in need of service or repair during an inspection by the Department Armorer will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

(h) Officers shall not alter any issued or approved duty, off-duty, or secondary firearm or allow any alterations to the above listed firearms. The standards used to determine alteration will be the manufacturer's specifications for each particular firearm. Aftermarket grips, replacement sights, refinishing the exterior of the firearm, and smoothing of the action will be permitted as long as the work done does not exceed the manufacturer's specifications.

(i) Any officer found in possession of an issued or approved duty, off-duty, or secondary firearm that is intended for official use or being carried for official use which is altered and does not have proper authorization is in violation of policy and may be subject to discipline.

(j) Officers may attach illuminating lights to issued or authorized firearms, as long as the attachment does not interfere with the safe and reliable functioning of that firearm. These attachments will be inspected and approved by the Department Armorer. The term illuminating light does not include any laser sighting device.

(k) Magna porting or any other type of recoil compensator will not be allowed or installed on any issued or approved firearm intended for official use. Competition firearms will not be carried as a duty, off-duty, or secondary weapon.

(l) All approved firearms shall be inspected and certified to be in a safe and operable condition on a yearly basis. If the Department does not have a certified armorer for a personally owned authorized firearm, it will be the responsibility of the officer owning the firearm to furnish proof of an inspection and safe certification of the firearm to the Department Armorer. This shall be noted in the officer's training file.

(m) The record of this inspection will be completed on the Firearm Inspection Form that is maintained by the Training Unit.

(n) Each officer must be able to demonstrate his/her safe and proficient use of their duty, off-duty, and secondary firearm during each scheduled firearm qualification training. Each officer must pass each firearm qualification training with a minimum score of 80% of the total score possible.

(o) Each firearm while being carried on or off duty shall be loaded to maximum capacity

with the appropriate caliber Department-approved ammunition.

312.3.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked, secured and out of public view while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

312.3.3 STORAGE OF FIREARMS

Firearms are to be either kept under the employee's direct control or stored in a secure location not readily accessible to unauthorized persons.

Firearms not assigned to individual officers will be stored in a secured, limited-access location designated by the Department Armorer.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify with their duty, off-duty, and secondary weapon on an approved range course annually. The Armorer shall keep records of qualification scores, repairs, maintenance, and training as directed by the Training Supervisor. At least annually, all personnel carrying a firearm will receive training on the Department Response to Resistance policy and demonstrate their knowledge and understanding.

Any officer of the Department issued or authorized to use a firearm shall be provided copies of and instruction on those directives, policies, or procedures relating to the use of firearms before being authorized to carry a firearm.

312.4.1 NON-QUALIFICATION

If any officer is unable to attend the regular qualification for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall notify his/her immediate supervisor and a member of the Department training staff prior to the end of the required shooting period.

Members who fail to qualify with his/her duty weapon will be reassigned or relieved from duty until they are able to qualify. Appropriate disciplinary action may follow.

Members who fail to qualify on their first two shooting attempts shall be provided remedial training until proficiency is demonstrated. If proficiency is not demonstrated, the Training Section will notify the officer's supervisor. Disciplinary action will be the responsibility of that officer's chain of command.

312.5 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are prohibited.

312.6 DESTRUCTION OF ANIMALS

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances in which officers have sufficient advance notice that a potentially

dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CEW, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

312.6.1 INJURED ANIMALS

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Prior to destroying the animal, the officer shall obtain the judgment of a veterinarian, or of two reputable citizens called by him to view the animal in his/her presence, or shall obtain consent to the destruction from the owner of the animal (Utah State Code § 76-9-305(3).

312.7 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Critical Incident Policy (Policy § 310). If a firearm was discharged as a response to resistance, the involved member shall adhere to the additional reporting requirements set forth in the Response to Resistance Policy (Policy § 300).

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

312.8 RANGE MASTER DUTIES

During training activities at a firing range, the range will be under the exclusive control of the designated range master. All members attending will follow the directions of the range master who will determine the type of weapons, ammunition, targets, and equipment permitted for use on the range; the required personal safety equipment; and regulations regarding the storage of ammunition and weapons while at the range. Range supervisory personnel must be certified firearms instructors and have training in emergency medical response.

312.9 MAINTENANCE AND REPAIR

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Department Armorer and/or approved factory gun smith shall be the only person authorized to repair or modify any Department-owned weapon for which the Department

Armorer is certified as an armorer.

All repairs and/or modifications of Department-issued weapons not performed by the Armorer must be approved in advance by the Department Armorer and accomplished by a Department-approved gunsmith who is certified to repair such firearm.

Any repairs or modifications to the officer's personally owned weapon shall be done at his/her expense and must be approved by the Department Armorer.

312.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity for one of the following purposes:

1. Assigned to a protective duty as a principal or advance team, or on travel required to be prepared to engage in a protective function.
2. Conducting a hazardous surveillance operation.
3. On official travel with a requirement to report to another location armed and prepared for duty immediately upon landing.
4. Escorting an in-custody prisoner, or on a round trip ticket returning from escorting or traveling to pick up a prisoner.

(b) Officers must carry their department identification card, which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the Department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.

(d) Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the Department-appointed instructor.

(e) It is the officer's responsibility to notify the air carrier in advance. This notification can be accomplished by early check-in at the carrier's check-in counter.

(f) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(g) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.

(h) Officers flying while armed shall not consume alcoholic beverages while aboard an

aircraft or within eight hours prior to boarding an aircraft.

312.11 INTERSTATE CWL FOR PEACE OFFICERS

Full-time sworn and retired officers who desire to carry a concealed firearm in other states are required, pursuant to 18 USC § 926 B and 18 USC § 926 C (see the Retired or Former Officer CWL Endorsements Policy, Policy § 220), to meet the following conditions:

(a) An active full-time officer shall carry his/her department identification whenever carrying such weapon.

1. A retired officer's identification must indicate that the retired officer has met the state's training and qualification standards within not less than one year prior to the date of issuance; or the officer must carry a written certification indicating he/she has met the necessary qualification standards.

(b) Officers will remain subject to this and all other department policies (including qualifying and training) and may not be the subject of any current disciplinary action.

(c) Officers may not be under the influence of alcohol or any intoxicating or hallucinatory drug, including prescription drugs, which would impair their ability to safely handle a firearm.

(d) Officers must be aware 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 prohibits or restricts 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.

Full-time sworn and retired peace officers from other states who carry a concealed firearm in Utah are required, pursuant to 18 USC § 926 B and 18 USC § 926 C, to meet the same conditions as described above, with the exception of subsection (b).

314 - Vehicle Pursuit

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where a department policy would permit the initiation or continuation of a pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors in the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable, i.e. what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Channelization - A technique similar to a roadblock, where objects are placed in the anticipated (or actual) path of a pursued vehicle with the intent of altering the vehicle's direction of travel.

Paralleling - Participating in the pursuit by proceeding in the same direction and maintaining approximately the same speed while traveling on an alternate street or highway that parallels the pursuit route.

Pursuit intervention - An attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming

shall be construed to mean maneuvering the police vehicle into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

Ramming - When deadly force is warranted the deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks - When deadly force is warranted, establishing a physical impediment to traffic as a means of stopping a vehicle using actual physical obstructions or barricades.

Tire deflating device - Tire-deflating spikes utilized to deflate the suspect vehicle's tires.

Trailing - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment.

Vehicle pursuit - An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive and unlawful tactics. It is not considered a pursuit if the driver is merely not paying attention to the officer's emergency lights and siren.

314.2 OFFICER RESPONSIBILITIES

It shall be the policy of the Department that a motor vehicle pursuit shall be conducted only with emergency lights and siren as required by Utah Code 41-6a-212(4) for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Utah Code 41-6a-212(6).

A police officer, prior to initiating a pursuit, involving excessive speeds and emergency driving shall consider and assess the risks involved enumerated in 314.8.b.6 items a. through m. The officer will be required to address these items in his/her police report.

314.2.1 WHEN TO INITIATE A PURSUIT

(a) Officers in a department vehicle with operable emergency vehicle equipment and radio may initiate a vehicular pursuit when the following criteria are met:

1. The suspect exhibits the intention to avoid apprehension through evasive or unlawful tactics.
2. The suspect operating the vehicle refuses to stop at the direction of the officer.
3. The suspect's actions are such that failure to pursue would further enhance the danger presented to the public.

(b) Department vehicles that do not possess operable emergency vehicle equipment and an operable police radio will not be involved in a pursuit. Factors that individually and collectively shall be considered in deciding whether to initiate or continue a pursuit are:

1. The performance capabilities of the pursuit vehicle.

2. The condition of the road surface upon which the pursuit is being conducted.
3. The amount of vehicular and pedestrian traffic in the area.
4. The weather conditions.
5. The offense for which the subject will be pursued.
6. Any potential or existing hazards.
7. Familiarity with the area and road.
8. Any other pertinent factors.

314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits shall be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed above are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicles. When terminating a pursuit the officer shall notify dispatch of his/her intent to terminate the pursuit, pull to the right shoulder of the roadway or highway, come to a complete stop, and turn off all emergency lights and siren.

In addition to the factors, listed above the following factors shall also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) Pursued vehicle's location is no longer definitely known.

(c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(d) The danger posed by the continued pursuit to the public, the officers or the suspect is greater than the value of apprehending the suspect.

(e) Weather or traffic conditions substantially increase the danger of the pursuit beyond the benefit of apprehending the suspect.

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers shall strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(g) The pursuit is terminated by a supervisor.

(h) The officer is unfamiliar with the area and is unable to accurately notify dispatch of the location and direction of the pursuit.

(i) The violator is driving the wrong way on a limited access highway or one-way road.

(j) Air support is available to track the suspect.

Pursuits will terminate at the state line, unless exigent circumstances exist.

When an officer terminates a pursuit, the officer shall turn off the siren and emergency lights, pull the vehicle to the side of the road and stop.

314.2.3 SPEED LIMITS

The speed of a pursuit is a factor that shall be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

(a) Pursuit speeds have become unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.2.4 MOTOR VEHICLE PURSUIT GUIDELINE MATRIX/RISK FACTORS

The decision to pursue a motor vehicle is a process of weighing risk factors of the pursuit against the primary responsibility of preserving life. Officers will balance the need for apprehension against the risk created in a motor vehicle pursuit.

The matrix listed below will be used as a guideline prior to engaging in a pursuit and to evaluate continuing a pursuit. Combinations of risk factors may raise or lower the risk associated with a pursuit.

Low risk factors include:

- Clear weather.
- Dry roads.
- Light traffic density.

Medium risk factors include:

- Medium traffic density.
- Reduced visibility/illumination.
- Additional traffic violations.
- Suspect identity known.

High risk factors include:

- Other jurisdiction pursuit.
- Pursuit entering another jurisdiction.

- Residential/school/commercial areas.
- Traveling against the flow of traffic.
- Poor visibility/illumination.
- Reckless/wanton vehicle operation.
- Heavy traffic density.
- Curves in roadway.
- Hit and Run accident by pursued vehicle.
- Pedestrian traffic.
- Frequent intersections.
- Narrow roadways.
- Excessive speed.
- Inclement weather.

Seriousness of offense	**Risk Factors**		
	Low	**Medium**	**High**
Any felony where an officer has knowledge that serious harm or death has been or will be inflicted if an apprehension is not made	May pursue	May pursue	May pursue but discontinue when risks exceed known threat to public safety by the perpetrator if capture is delayed.
Any other incident where an officer has knowledge that serious harm or death may be or has been inflicted if an apprehension is not made.	May pursue	May pursue	May pursue; Discontinue if risks exceed seriousness of offense.
All other criminal acts	May pursue	May pursue; discontinue if risks exceed seriousness of offense.	**DONOT PURSUE/ DISCONTINUE**
All other traffic/civil violations	May pursue; discontinue if risks exceed seriousness of offense	**DONOT PURSUE/ DISCONTINUE**	**DONOT PURSUE/ DISCONTINUE**

314.3 PURSUIT UNITS

Pursuit units shall be limited to two vehicles and, if warranted under the circumstances, a supervisor. However, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspects. The request for additional units to join a pursuit must be approved by a supervisor. All other officers shall stay out of the pursuit, but shall remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.3.1 MOTORCYCLE, K-9 VEHICLES, AND UNMARKED UNITS

A distinctively marked patrol vehicle equipped with emergency overhead lighting shall replace a police motorcycle, K-9, and/or unmarked vehicle as primary and/or secondary pursuit vehicle as soon as practicable.

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

(a) Vehicles without emergency equipment are generally prohibited from becoming involved in a pursuit.

(b) All unmarked units will relinquish the primary or secondary role in a pursuit to a marked vehicle as soon as practicable.

314.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing vehicle will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

The pursuing officer shall activate headlights and all emergency equipment upon initiating a pursuit.

The pursuing officer shall immediately notify Valley Emergency Communications Center that a vehicle pursuit has been initiated. Use of plain English transmissions is encouraged, rather than using the 10-code. As soon as practicable the officer shall provide Valley Emergency Communications Center information including, but not limited to:

(a) Unit identification.

(b) Location, speed and direction of travel of the fleeing vehicle.

(c) Description of the fleeing vehicle and license number, if known.

(d) Number of known occupants.

(e) The identity or description of the known occupants.

(f) Reason for initiating the pursuit.

(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary vehicle, the officer in the primary vehicle shall

be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary officer shall relinquish the responsibility of broadcasting the progress of the pursuit to a secondary vehicle or aircraft joining the pursuit as soon as practical.

314.3.4 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

(a) The officer in the secondary vehicle shall immediately notify the dispatcher of entry into the pursuit.

(b) Remain a safe distance behind the primary vehicle unless directed to assume the role of primary officer, or if the primary vehicle is unable to continue the pursuit.

(c) The secondary officer shall be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

314.3.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics shall be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units shall exercise due caution when proceeding through controlled intersections.

(c) Officers shall not pursue a vehicle that is driving left of center (wrong way) on a roadway.

(d) Officers shall notify other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

(e) Officers involved in a pursuit shall not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary vehicle or a supervisor.

314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There shall be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers shall not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit shall respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units shall be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit or as authorized by a supervisor.

314.3.7 PURSUIT TRAILING

In the event the initiating vehicle from this agency either relinquishes control of the pursuit to another vehicle or jurisdiction, that initiating vehicle may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

314.3.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance shall be requested. Once the air vehicle has established visual contact with the pursued vehicle, it shall assume control over the pursuit. The primary and secondary ground units shall consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air vehicle shall coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this Department. When reasonably possible, the supervisor shall not actually be engaged in the pursuit itself.

After being notified of a pursuit, a supervisor shall:

(a) Assume command of the incident and notify dispatch over the air.

(b) Ensure proper radio channels and procedures are in use.

(c) Ensure tactics are in conformance with any policy of the Department.

(d) Ensure only the necessary numbers of units are involved.

(e) Ensure allied agencies are notified.

(f) Consider aborting the pursuit if cause exists.

(g) Consider air support availability and practicality.

(h) Ensure post-incident notifications.

(i) Ensure that proper written reports are completed and forwarded to the Section Commander for and administrative review.

(j) Monitor and evaluate the pursuit for the safety of all parties.

The supervisor shall proceed to the termination point of the pursuit and provide appropriate

assistance and supervision at the scene, when practicable.

314.4.1 WATCH COMMANDER RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Watch Commander shall monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Section Commander.

314.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor. If the pursuit leaves the jurisdiction of the Department or such is imminent, involved units shall, whenever available, switch radio communications to an emergency channel that is most accessible by participating agencies and units. (Regional Channel.)

314.5.1 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Valley Emergency Communications Center shall immediately advise a field supervisor of essential information regarding the pursuit

Communications personnel also shall:

(a) Receive and record all incoming information on the pursuit and the pursued vehicle.

(b) Control all radio communications and clear the radio channels of all non-emergency calls.

(c) Perform relevant record and motor vehicle checks.

(d) Coordinate and dispatch back-up assistance and air support units under the direction of the field supervisor.

(e) Notify concurrent and neighboring jurisdictions, where practicable, when the pursuit may extend into their location and specify whether involvement is needed.

(f) If the pursuit enters a bordering state, that jurisdiction shall be notified.

314.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary vehicle shall broadcast pertinent information to assist other units in locating suspects. The primary vehicle will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

The pursuing unit responsible for broadcasting the pursuit shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, shall determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended

that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

If engaged in a pursuit either inside or outside of our agency's jurisdiction or while assigned to a task force, officers from this agency will comply with this pursuit policy.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the West Valley City Police Department is no longer needed. Upon discontinuing the pursuit, the primary vehicle may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress shall not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit shall be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency shall relinquish control.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department shall not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, a vehicle from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor shall consider:

(a) The department's ability to maintain the pursuit.

(b) Whether the circumstances are serious enough to continue the pursuit.

(c) Whether there is adequate staffing to continue the pursuit.

(d) The public's safety within this jurisdiction.

(e) The safety of the pursuing officers.

As soon as practicable, a supervisor or the Watch Commander shall review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of the Department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall

provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

314.7 PURSUIT INTERVENTION

Intervention techniques shall be used only when the officer reasonably believes it is possible to do so safely and when the law enforcement officers using them have received training in their use. Use of pursuit intervention tactics shall be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors shall balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic shall be reasonable in light of the circumstances confronting the officer at the time of the decision.

314.7.1 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use.

(a) The Pursuit Intervention Technique (PIT) is a forced rotational non-compliant vehicle stop. This technique shall not be used if speeds exceed 45 mph. Caution shall be exercised if any of the vehicle tires have been blown or flattened, or if the vehicle has had its tires damaged by a tire deflating device.

1. This technique shall only be used when all other reasonable means of apprehension have been considered and rejected as impractical, e.g., air support, allied agency assistance, tire deflating devices or boxing-in; when the apparent risk of harm to other than the occupants of the pursued vehicle is so great as to outweigh the risk of harm in making the forcible stop; when the pursuing officer believes that the continued movement of the pursued vehicle would place others in danger of great bodily harm or death.
2. Officers shall use care and caution in selecting the location where the stop is to be made, so that any resulting danger can be minimized as much as possible.
3. This technique shall only be used with the approval of the shift supervisor.
4. This technique may be used without supervisor approval if an immediate and substantial threat exists to the safety of the public.

(b) Ramming a fleeing vehicle shall be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic shall be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors shall be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other

persons or is driving in a reckless and life-endangering manner. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(c) The use of blocking-in as a technique for terminating or preventing pursuits is only authorized for those officers training in this technique and whose vehicles are properly equipped for executing this technique. Under ordinary circumstances, the potential hazard outweighs the probability of a successful stop of a violator. Therefore, this technique shall only be used at slow speeds or where the obvious risks can be eliminated or appreciably reduced.

1. Blocking-in shall not be used at high speeds or in those circumstances where the pursued subject has demonstrated a willingness to assault an officer either with the vehicle or some other means, i.e., a firearm.
2. Blocking-in shall not be used when it is necessary to use citizens to effect the maneuver.

(d) The use of tire deflating devices shall be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers shall carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle (consider if deadly force is justified), a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors shall weigh the potential consequences against the need to immediately stop the vehicle.

1. This technique may also be used with supervisory approval in an attempt to prevent a potential pursuit.

(e) Due to the extreme and obvious dangers inherent with the use of roadblocks in pursuit situations, the setting up of roadblocks for the purpose of terminating a pursuit is generally prohibited, except in cases justifying the use of lethal force. If a roadblock is established officers must:

1. Allow the suspect vehicle reasonable stopping distance.
2. Not place themselves or their vehicles in a position that would jeopardize the safety of the officers involved.
3. Not place vehicles in a position that is not reasonably visible to the suspect.
4. Reasonably ensure the safety of uninvolved pedestrians and motorists.
5. Submit a written report for administrative review

314.7.2 USE OF FIREARMS

An officer's discharge of a firearm at or from a moving vehicle shall follow this department's Use of Force Policy. An officer's decision to discharge a firearm at or from a moving vehicle shall first be authorized, when reasonably possible, by a supervisor.

314.7.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that

amount of force which reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer shall coordinate efforts to apprehend the suspects following the pursuit. Officers shall consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

Pursuits are high risk situations. Policy covering high risk or felony stops shall be followed unless the driver and passengers have escaped or are incapacitated.

314.8 REPORTING AND REVIEW REQUIREMENTS

All officers involved in a pursuit shall complete the appropriate crime/arrest reports. A pursuit report shall minimally contain:

(a) Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.

(b) The violation that caused the pursuit to be initiated.

(c) The means or methods used to stop the suspect being pursued.

(d) The conditions of the pursuit, including, but not limited to, all of the following:

1. Duration
2. Time of day
3. Weather conditions
4. Maximum speeds
5. Volume, type, speeds of all traffic, including pedestrian traffic.
6. Mechanical condition of the police vehicle.
7. The officer's training certification in emergency vehicle operation.
8. The nature of the locale (residential, business, school zone, etc.).
9. The likelihood of successful apprehension if the pursuit were to be terminated.
10. The nature of the violation and the hazard created by it.

(e) Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.

(f) Whether the pursuit involved multiple agencies.

(g) How the pursuit was terminated.

(h) After first obtaining available information, the supervisor shall promptly complete a Critical Incident Notification, briefly summarizing the pursuit. This notification shall minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit
5. Starting and termination points

6. Disposition: arrest, citation, arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

Officers shall not engage in a pursuit until they have successfully completed the department-sponsored Emergency Vehicle Operations (EVO) course. Officers shall also be required to attend an annual course that specifically covers any policy adopted by the Department regarding pursuits.

All department officers shall retain a current copy of the pursuit policy and shall refer to it as a basis for initiation, continuation, and termination of a pursuit).

314.8.2 POLICY REVIEW

Each sworn employee of the Department shall certify in writing that he/she has received, read and understands this policy initially and upon any amendments.

314.8.3 MANDATORY COUNSELING

Any officer involved in a pursuit resulting in death or serious bodily injury to any person may be required to attend a timely critical incident debriefing arranged by the Office of the Chief.

The Office of the Chief may also schedule a professional psychological counseling session for any officer directly involved in a pursuit resulting in death or serious bodily injury to any person. Attendance by the involved officer at this counseling session is mandatory.

314.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Utah Code 41-6a-212(4). It incorporates the guidelines developed pursuant to Utah Code 41-6a-212(5) and established in Utah Administrative Code R728-503.

314.9.1 DISCIPLINE

Violation of this policy, irrespective of damage or injury, will subject the offending officer/s to administrative discipline.

314.10 PURSUIT ANALYSIS

An annual analysis of all pursuits will be conducted to determine the need for training, and Departmental policy and reporting procedures modifications to ensure the safety of officers and the public. This review will be documented and forwarded to the Chief of Police.

315 - Traffic Stops

315.1 PURPOSE AND SCOPE

The traffic enforcement objective of the Department is to reduce traffic crashes and injuries, and to facilitate the safe flow of traffic through compliance with traffic laws and ordinances.

Officers shall render assistance to motorists as necessary. This may include answering questions, assisting stranded motorist in obtaining mechanical or towing assistance, ensuring the safety of stranded person and other appropriate emergency assistance.

Officers will take enforcement action upon detection of an illegal or potentially hazardous act by persons operating vehicles, bicycles, other conveyances and pedestrians. Enforcement action shall be taken at the discretion of the officer and many include a warning, citation or physical arrest.

315.2 TRAFFIC STOPS

A stop in which the officer has reasonable suspicion, probable cause or a warrant and reason to It is each officer's responsibility to recognize a violation when it is committed and to take appropriate enforcement actions when violations are observed.

All traffic stops are considered unknown risk contacts. Officers conducting a traffic stop shall evaluate the potential risk and develop a tactical plan for the traffic stop. There are typically three types of traffic stops:

TRAFFIC VIOLATION STOP
A traffic stop made because the officer has probable cause to believe that the driver has committed a traffic violation (infraction).

INVESTIGATIVE STOP
A stop made because the officer has probable cause to believe that one or more of the vehicle's occupants has engaged in, or is about to engage in, criminal activity.

HIGH RISK STOP
A stop in which the officer has reasonable suspicion, probable cause or a warrant and reason to believe that one or more occupants of the vehicle may be a threat to the officer.

All high risk stops should be considered hazardous. Planning by the officer initiating the stop must be a priority.

The following considerations should be taken into account before the stop is made:

(a) Justifications for high risk stops:
    1. Suspects are known to be, or the officer has probable cause to believe, the suspects are armed and/or pose a dangerous threat; or
    2. Suspects are wanted for the commission of a forcible felony; or

3. Circumstances surrounding the situation imply there is a threat of danger to the officer or others in the area.
4. At the termination of vehicle pursuits unless the driver and/or occupants are incapacitated due to injuries suffered in a traffic accident.

(b) If a high risk stop is necessary and firearms are displayed by the officers, the following factors should be taken into consideration:

1. Location and area where the stop is to be initiated. Avoid highly populated and extremely busy areas of the city if possible.
2. Lighting and surroundings.
3. Traffic conditions.
4. Number of units available for back up at the scene.
5. Back up unit deployment.
6. Ability to keep and maintain control of the scene once the stop has been initiated.

315.3 INITIATING THE STOP

315.3.1 ROUTINE VEHICLE STOPS

The following procedure is recommended for traffic violation stops and investigative vehicle stops:

(a) After observing a traffic violation or developing reasonable articulable suspicion to believe one or more of the vehicle's occupants has engaged in, or is about to engage in non-violent, misdemeanor criminal activity, the officer will contact the dispatcher with the license plate number, including state, or a description of the vehicle, and the anticipated location of the stop.

(b) The officer should then maneuver into a position in traffic directly behind the violator and activate their emergency lighting equipment. The officer should attempt to affect the stop in an area that will minimize the degree of danger for the violator, the officer and other traffic.

(c) The officer should position their vehicle approximately one car length behind the violator and offset slightly to the left in and effort to create a safety buffer zone for the officer. The officer's emergency lighting equipment will be activated during the duration of the stop.

(d) If the location of the stop is significantly different than the anticipated location of the stop given to the dispatcher, prior to approaching the vehicle, the officer will update the dispatcher with the exact location of the stop.

(e) The officer may approach the vehicle on the driver's or passenger's side of the vehicle. This should be based on which side the officer feels is the safest for his/her approach based on a variety of factors including location, lighting, and traffic conditions. The officer should assume a position slightly behind the door to provide him/herself a degree of protection.

(f) The officer should approach the violator's vehicle in a cautious manner while maintaining a close watch on the occupants for furtive movements.

(g) The officer should make contact with the violator and explain the reason for the stop in a professional and courteous manner.

(h) Following the initial contact, the officer should cautiously return to their patrol vehicle after asking the violator to remain in their vehicle. While walking back to the patrol vehicle, the officer should remain aware of the behavior of the occupants of the violator vehicle.

(i) After returning to their vehicle, the officer should contact the appropriate dispatch channel or use their MDT to query the vehicle registration, driver license and warrants. The officer may, at their discretion, also fill out a traffic or warning citation to be issued to the violator.

(j) The officer should then cautiously return to the violator's vehicle, assume the same position behind the door approached, and deliver the citation, written warning or verbal warning.

(k) The officer should then return to their vehicle and allow the violator to depart first.

(l) After the completion of the stop, the officer will advise the dispatcher of their status.

315.3.2 HIGH RISK STOPS

The following procedure is recommended for the tactical deployment of a high risk stop scene:

(a) The initial officer will:

1. Advise dispatch and all responding units that high risk stop procedure is to be used.
2. Take charge of the stop.
3. Be the ONLY one giving commands to the suspect(s).
4. Be the one giving commands to the backup officers at the scene.
   (a) In some situations, supervisory personnel may take charge of the stop.

(b) Prior to initiating the stop on the suspect vehicle, the initial officer shall:

1. Ensure dispatch has been notified of the following:
   (a) Location of stop
   (b) Vehicle description
   (c) Suspect description, if possible
   (d) Number of occupants in the vehicle
   (e) If there are children in the vehicle
   (f) Vehicle license plate number
   (g) Offense to which the vehicle is suspect in
2. Activate emergency overhead lights and spotlights in conjunction with any back up vehicles on scene. The lights should provide optimum light toward the suspect vehicle and provide the best concealment possible to the officers. Use of emergency vehicle lighting should be used day and night.
3. Prior to the initiation of the stop, have a back-up unit respond to his location and take

a position behind him.

(a) If the initial officer is alone and a back-up unit is not available or the suspect stops prematurely, the initial officer should wait until a cover officer arrives.

4. Adhere to the Department vehicle pursuit policy should the suspect flee in the vehicle.
5. Be tactically prepared with a plan should the suspect exit his/her vehicle and/or fires upon the Officer.
6. Be aware of and try to plan for any response by the suspect and the threat he/she may pose to the officer, his back up units or others near the scene.
7. Tactically position the emergency vehicle providing optimum protection should the suspect fire upon the officer.
   (a) Offset to the left, positioning the engine block of the vehicle between the suspect vehicle and officer.
   (b) Positioning should be approximately 30 feet behind the suspect vehicle.
   (c) Emergency vehicle should remain running.
   (d) Vehicle should be in the "Parked" position.
   (e) Driver's side door should be opened.

(c) Second officer vehicle position should be to the right of initial officer's vehicle.
1. The involved officers should communicate positioning and steps to be taken to ensure safety.
2. The second officer should position their vehicle and self, as described above for the initial officer, making sure that the best protection is available.
3. The second officer may take up a position behind the right door of the initial unit's vehicle.
4. The second officer is responsible for coverage of passenger side of the suspect vehicle.

315.4 CONTAINMENT AND CONTROL OF THE SUSPECTS

Following initial deployment of officers on a high risk stop and when the suspect vehicle has come to a complete stop, all officer attention should be focused on containing the suspects in the vehicle and securing the vehicle for safety. Officers should take the time to assess the need for additional back up officers and support personnel.

(a) The initial officer will:
1. Consider the following needs:
   (a) Traffic control
   (b) Crowd control
   (c) Additional officers and resources
   (d) Support personnel
2. Use the P.A. system in their emergency vehicle and order the suspect to:

(a) Turn off the ignition to their vehicle.
(b) Remove the keys.
(c) Place the keys on the roof of their vehicle.
(d) Place and keep their hands in the air where officers can see them.
(e) Order all passengers to place and keep their hands in the air.

(b) Initial and back up officers will be cognizant of:
1. All areas surrounding the scene.
2. Crossfire situation with our officers and other agencies.
3. Any and all areas and subjects beyond the suspect vehicle that may be impacted.
4. Officer safety, safety of suspect(s) and the safety other persons near the scene.

(c) Recommended steps that may be taken by initial and back up officers are:
1. Keeping the driver and any passenger hands visible to officers at all times.
2. Driver should slowly exit the vehicle with his hands in plain view and in the air.
3. Driver should slowly exit the vehicle and be commanded to walk backwards until they are between the initial officer and backing officers' vehicles.
4. A backing officer will handcuff and search the driver. The driver will then be secured.
5. Visual attention and cover should be maintained at all times while driver and any passengers are removed, searched and secured.
6. Make further commands for any passengers to exit the vehicle in the same manner, even if suspects have not and cannot be seen.
7. Maintain cover on the vehicle and any additional occupants at all times.
8. Ensure that officers are positioned so that no crossfire exists.

(d) Extraction of additional suspects and occupants of the suspect vehicle:
1. Should be handled by the same procedure for extracting the driver.
2. Should be handled one at a time to ensure coverage and protection.
3. Should be extracted from the same side of the vehicle, preferably away from the traffic area.

(e) When all subjects are suspected to have been removed from the vehicle:
1. The initial officer and back up officers will communicate with one another at all times, work as a team and ensure that the search of the suspect vehicle is handled in an organized and tactical manner.

2. The assigned back up officer will tactically approach the suspect vehicle from the rear passenger side, check the trunk, the rear and front of the interior and any other areas for additional suspects and/or weapons.

316 - Officer Response to Calls

316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

316.2 FIRST RESPONDER NOTIFICATION

Upon receipt of a call for service, whether through the administrative phone system, the 911 emergency notification system, direct from a citizen, via an officer or other department member or from another public safety agency, personnel of the Dispatch Center will “triage” the call to determine the need for first responders.

Based upon the nature of the call, dispatchers may assign officers to respond in accordance with procedures outlined in their policies.

Also based on the nature of the call, dispatchers may notify police supervisory personnel, other public safety agencies including other law enforcement agencies, emergency medical services and fire services, as well as the medical examiner, funeral homes, wrecker services, and street/highway departments of the need for other services.

Officers on the scene of an incident are responsible for determining the need for assistance or resources from other public safety agencies and will inform the dispatcher accordingly. Upon receipt of such information, Dispatch Center personnel will notify the appropriate first responder agency or organization of the request

316.3 RESPONSE TO CALLS

Officers shall promptly and safely respond to assigned calls for service and shall take any necessary police action. Officers shall take necessary police action when they observe or become aware of activity that requires such action. Officers shall notify a supervisor when necessary and request the necessary resources when practicable, and as appropriate.

Officers dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Officers responding Code-3 shall continuously operate emergency lighting equipment and the siren.

Responding with emergency lights and siren does not relieve the officer operating an authorized emergency vehicle of the duty to act as a reasonably prudent emergency vehicle operator in like circumstances. The use of any other warning equipment without emergency lights and siren does not provide any privilege under the law.

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

316.4 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or

assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Valley Emergency Communications Center.

If circumstances permit, the requesting officer should give the following information:

- The vehicle number
- The location
- The reason for the request and type of emergency
- The number of units required

316.4.1 NUMBER OF UNITS ASSIGNED

Normally, only one vehicle should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional vehicle(s).

316.5 INITIATING CODE 3 RESPONSE

Legal Disclaimer - This policy is for departmental use and does not apply to any criminal or civil proceeding. This policy shall not be construed as creating a higher legal standard of care or safety in an evidentiary sense with respect to third party claims. Violations of this policy will form the basis of departmental administrative sanctions only.

The mission to protect lives should be foremost in all emergency responses. State law provides that an emergency vehicle can be driven in response to an emergency call or used in the pursuit of an actual or suspected violator of the law, or in response to a fire.

- If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Valley Emergency Communications Center. Generally, only one vehicle should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Valley Emergency Communications Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.
- When responding to an officer needs immediate assistance (9-1, 10-33) or similar incident, officers should not use valuable radio time to notify dispatch of their response. Instead, officers should proceed Code-3, as outlined in this policy, to the location of the incident. Extra caution should be used as other officers will also be responding Code-3.
- Under no circumstances will the officer respond in an unsafe manner or use unsafe speeds. Every officer will be held accountable for the manner in which he drives his/her vehicle.
- On an emergency run, both lights and siren will be used. This includes approaching and traversing any intersection where a stop sign, red light or yellow traffic signal about turn red is displayed against them or in any other circumstances which would normally require a stop. Officers should slow down as may be necessary for safe operation and proceed through the intersection in a reasonable and prudent manner.
- Emergency responses must be used only when an emergency exists or there is adequate reason to believe that it exists. When the emergency ceases to exist, the officer will discontinue responding in an emergency manner.

- An exception to this section is that the initial officer dispatched on an injury or possible injury or unknown injury accident, will be the only unit responding code. The secondary unit will respond as quickly and as safely as possible.
- State law does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such law protect the driver from the consequences of an arbitrary exercise of these privileges.

316.6 RESPONSIBILITIES OF RESPONDING OFFICER(S)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to a reasonable and prudent speed, taking into account the size and nature of the intersection, the time of day, the weather conditions, visibility, potential obstructions, and the current traffic or pedestrian activity in the area.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify Valley Emergency Communications Center. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

316.7 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor prior to assigning units Code-3. The dispatcher shall:

(a) Attempt to assign the closest available vehicle to the location requiring assistance.

(b) Immediately notify the Watch Commander.

(c) Confirm the location from which the vehicle is responding.

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance).

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor.

316.8 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in

the response.

(c) Affected outside jurisdictions are being notified as practical.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

316.9 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or Valley Emergency Communications Center of the equipment failure so that another vehicle may be assigned to the emergency response.

316.10 RESPONSE TO ROUTINE CALLS

Officers shall respond immediately and directly in a safe manner to all dispatched calls. Calls shall be responded to consistent with normal safety precautions and established law. It is the responsibility of officers to conduct and document a preliminary investigation that is either sufficient to bring the case to a satisfactory conclusion or properly prepares the case for follow-up investigation.

(a) All officers responding, whether Patrol or plainclothes in unmarked vehicles, are to notify the dispatcher so that proper coverage assignments can be made.

(b) Officers shall respond to and handle any assignment given by on duty dispatchers. The failure by an officer to respond to a dispatched call will warrant a full explanation to his/her supervisor and possible disciplinary action.

(c) Officers shall be knowledgeable in the use of their police radio and related equipment.

(d) Officers and other employees handling calls or public contact over the telephone will identify themselves by name and rank or position.

(e) Officers will only call arrived at a call when they have actually arrived in the area of the call.

(f) Officers will handle all calls in an efficient and effective manner.

(g) Officers will conduct preliminary investigations on all reported crimes.

(h) Officers will locate and identify witnesses.

(i) Officers will observe and document all conditions, events and remarks made by victims, witnesses and suspects and conduct initial interviews.

(j) Officers will protect, maintain, document and collect evidence from the crime scene or arrange for a response from the Forensic Unit.

(k) Officers will document all activities in a police report which includes all necessary supporting documents and forms.

(l) Upon completion of any assignment, officers shall immediately notify the dispatcher of his/her availability.

316.10.1 SUPERVISOR'S RESPONSIBILITIES

Supervisors will monitor the number of units responding on a call in order to ensure that the number is appropriate to the type of call.

Supervisors will ensure proper coverage and assignments based on the call load.

Supervisors will ensure officers are using the appropriate time needed to efficiently and effectively complete a call.

317 – Dispatch/Communications Center

317.1 PURPOSE AND SCOPE

The Dispatch or Communications Center is an integral part of Department operations, conveying information from the public through the Dispatch Center's personnel to the officers who respond to assist the public. The Department contracts with the Valley Emergency Communications Center (VECC) to provide these critical services. The Department provides 24-hour, toll-free voice, TTY/TTD, and Text 2 9-1-1 services for emergency calls through VECC. This policy establishes guidelines for that communication and other services provided by the Dispatch Center.

317.2 RESOURCES FOR DISPATCHERS

The Department has provided the Dispatch Center with a variety of resources to aide them in their jobs. These resources include, but are not limited to:

(a) The Department cell phone number and residential phone number (where available) of every Department employee;

(b) Maps detailing the Department's service area and beats within that area;

(c) Written procedures and phone numbers for procuring emergency and necessary external services; and

(d) Specific dispatching plans for in-progress calls and tactical operations.

In addition to these resources, at the beginning of each shift, the shift supervisor will ensure the dispatcher is provided with the following information:

(a) The name and call sign number for the on-duty Watch Commander for that shift;

(b) The duty roster, including call signs, for all personnel on duty for that shift;

(c) An indication of the status of all personnel (available for calls, busy, court, etc.).

317.3 RECORDING INFORMATION ON CALLS FOR SERVICE

The Dispatch Center will remain in constant contact with Department officers and, as necessary, with other emergency services and dispatch centers operating within the Dispatch Center's jurisdiction.

The Dispatch Center is responsible for tracking and recording officers' activities. The information tracked by the Dispatch Center includes, but is not limited to, officer(s) dispatched, the time dispatched, the time arrived or the time the officer(s) called out on a self-initiated activity, the status of the officer(s) while on a call for service or a self-initiated activities, the time the officer(s) completes his/her activity and the time the officer(s) return to service.

At a minimum, the following information will be logged into the Computer Aided Dispatch (CAD) screen by the call taker and/or dispatcher:

(a) The CAD call number;

(b) The date and time of the request;

(c) The name, address and contact number for the complainant if available;

(d) The type of incident being reported;

(e) The location where the incident is occurring;

(f) The identification of the officer(s) assigned to the call.

(g) The time of dispatch;

(h) The time of the officer(s) arrival(s);

(i) The time(s) of any status checks on the officer(s) and the result of those checks;

(j) The time the officer(s) complete the call and return to service; and

(k) The disposition or status of the reported incident.

317.4 RADIO COMMUNICATIONS PROCEDURES

All officers, regardless of assignment, are to notify the dispatcher when they are responding on any type of dispatched call, self-initiated activity, or when they are in or out of service. Officers should make these notifications over their vehicle or hand-held radios, except in instances when that type of communication could be intercepted and endanger the officer or other responders. In those instances, officers may make the notification via their MDT or by phone. The status of all on-duty officers and their availability to respond to calls shall be documented by the dispatcher on the CAD screen.

On-duty officers and personnel will use their assigned call sign to identify themselves to the dispatcher and other personnel over the radio. Off-duty officers who do not have a permanent individual call sign will identify themselves on the radio by the identifier O - Oscar, followed by their employee identification number.

When an incident involves officers from multiple agencies, the dispatcher may patch in the other agencies communications channels or designate a channel that all the involved agencies have the capability of receiving. When responding on a channel, such as the Salt Lake Regional channel, officers should use the identifier I – India, which is the identifier for this Department, followed by their employee identification number.

For the purposes of this policy the term “channel(s)” is being used to reference the radio talkgroups on the Motorola 800 MHz Smartzone radio system.

317.5 ASSIGNMENT OF PERSONNEL TO CALLS

When available, dispatchers should dispatch the beat car as the primary officer to calls in that beat. If the beat car is unavailable, dispatchers should dispatch cars from the surrounding beats. Calls will be dispatched on the basis of the pre-determined priority for the type of call. If no officers are available when a priority call is received, the dispatcher will notify an on-duty supervisor and ask for officers to clear from lower priority calls to respond.

The dispatcher should dispatch at least two officers on calls involving violence or potential violence against other persons, including officers, and in-progress calls where a suspect is still on scene. For calls where the suspect is no longer on scene and for property crimes, the dispatcher may dispatch one officer. The on-duty supervisor will monitor the number of officers responding on a call in order to ensure that the number is appropriate to the type of call.

317.5.1 SUPERVISORY RESPONSE

Supervisors should respond to the scene of major incidents (i.e. homicides, traffic fatalities, OICI's, hostage situations, etc.), all officer injuries, officer-involved traffic accidents, and any other call where the supervisor feels there may be risk or liability to the Department. If a citizen or an officer requests a supervisor, the dispatcher will notify an on-duty supervisor who should respond to the incident.

317.5.2 RESPONSE TO REQUEST FOR EMERGENCY ASSISTANCE

When an officer requests emergency assistance via the emergency button on his/her hand-held radio, the dispatcher will try to contact the officer and confirm that there is an emergency. If the dispatcher is unable to contact the officer or confirms there is an emergency, or if the officer verbally requests emergency assistance over the radio, the dispatcher will immediately send out three (3) alert codes and give out the officers call sign, last known location, and the type of emergency if known.

All available officers will respond Code-3, as detailed in Policy § 316, Officer Response to Calls.

It will be the responsibility of the Watch Commander on-duty to limit the number of units responding and direct their response based on the needs of the particular situation.

If an outside agency requests our Department respond to a request for emergency assistance. The dispatcher will notify the Watch Commander of the request and the circumstances surrounding the request, and the Watch Commander will determine how many units from this Department will respond.

317.6 MISDIRECTED EMERGENCY CALLS

If the Dispatch Center receives an emergency call from outside their service area, the Dispatch Center's will obtain the appropriate information and create a CAD entry. The call will then be transferred to the appropriate dispatch center based on the law enforcement agency jurisdiction. This will be done as expeditiously as possible. The Dispatch Center will give the other center the address of the call and the type of call and transfer the caller if appropriate. The Dispatch Center will note the transfer information in the CAD entry.

If CAD2CAD dispatching is in place, the call will be sent via CAD2CAD to the appropriate Center.

317.7 RECORDINGS AND IMMEDIATE PLAYBACK OF RECORDED CALLS FROM DISPATCH

The Dispatch Center secures, maintains and supplies audio records of telephone and radio conversations for 180 days for all types of record requests.

Requests for immediate playback of any recording will be made to the on-duty Dispatch Center supervisor by a Department supervisor.

The Dispatch Center requires that all other records requests must be approved by the primary agency involved in the incident.

Department records request must be approved by a supervisor and should be submitted to the Dispatch Center on the appropriate request form via fax, email or in-person. If extenuating circumstances exist, a Dispatch Center supervisor may accept a request by telephone and complete the form for the requesting supervisor.

Other types of records requests to the Dispatch Center, such as media requests, GRAMA request and subpoenas will be handled per VECC's Administrative Procedures, Records and Information Requests.

318 - Canine Program

318.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

318.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any officer or the handler.

(b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

318.2.1 PREPARATION FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to the following:

(a) The individual's age or estimate thereof.

(b) The nature of the suspected offense.

(c) Any potential danger to the public and/or other officers at the scene if the canine is released.

(d) The degree of resistance or threatened resistance, if any, the subject has shown.

(e) The potential for escape or flight if the canine is not utilized.

(f) The potential for injury to officers or the public caused by the suspect if the canine is not

utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, two clearly audible warnings to announce that a canine will be released if the person does not come forth shall be made. The warnings should include the following elements:

(a) Identification of police presence and the presence of a canine at the scene.

(b) A lawful order given to the subject to surrender, as well as the consequences that may result by failing to obey the lawful order.

(c) A reasonable amount of time shall be given to allow the subject to comply with the lawful order and surrender prior to giving a second warning or releasing the canine following the second warning.

Warnings should be given unless there are circumstances that would jeopardize the safety of the officers or the canine team. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.

318.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection trained canine may be used in accordance with current law under the following circumstances:

(a) To assist in the search for narcotics during a search warrant service.

(b) To obtain a search warrant by using the detection canine in support of probable cause or in narcotics screening situations.

(c) To search vehicles, buildings, bags, and any other articles deemed necessary.

(d) A narcotic-detection canine will not be used to search a person for narcotics.

318.2.4 USE OF BOMB/EXPLOSIVE DETECTION DOGS

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a trained explosive-detection dog team may be warranted. When available, a trained explosive-detection dog team may be used in accordance with current law.

If an incident requires the use of a bomb/explosive detection dog and one is not on-duty, the

Watch Commander or Supervisor may elect to call out the Department bomb/explosives dog or request assistance from an allied agency that has a bomb/explosives detection dog. The allied agencies policy and procedure for the use of the dog shall determine the extent and parameters of assistance rendered. Generally, the following guidelines should apply:

(a) To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.

(b) To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a dog sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(c) To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).

(d) To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

(e) At no time will a detection dog be used to render a suspected device safe or clear.

318.2.5 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and the ability of the canine to determine the feasibility of such an application.

(a) Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such applications should usually be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.

(b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.

(c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.

(d) Once the individual has been located, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

318.2.6 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, a Canine Use Report shall be completed by the handler and maintained in the handler's deployment log. All deployment logs shall be kept current and contain accurate information regarding deployments. All deployment logs will be review at least weekly by a canine supervisor and maintained in an electronic file in the Records Management System.

Whenever the use of the canine results in a bite or any injury, a Use of Force Form shall be completed and included with any related incident report.

Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current Department evidence procedures. The injured party shall be examined by a medical doctor prior to booking or release. If the injured party is in custody an officer shall remain with the suspect until treatment has been rendered.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

318.2.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Watch Commander.

Medical care for any injured canine shall follow the protocol established in the Medical Care of the Canine section of this policy, section § 318.6 et seq.

The injury will be documented in an IDC to the Deputy Chief over the Patrol Bureau.

318.2.8 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Patrol Section.

Canine teams should function primarily as cover units; however, they may be assigned by the Watch Commander to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Watch Commander.

318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Section shall go through the Canine Supervisor or the Canine Unit Field Commander.

318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Watch Commander or the Canine Supervisor must approve all requests for canine assistance from outside agencies, subject to the following provisions:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.

(c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of West Valley unless authorized by the Watch Commander or the Canine Supervisor.

(d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Canine Unit Supervisor or Canine Unit Field Commander prior to making any commitment.

318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

(a) West Valley City Police Department officer (currently off probation), with two years of experience as a West Valley City Police Officer.

(b) Reside in an adequately fenced, single-family residence (minimum five-foot high fence with locking gates).

(c) Live within 35 driving miles from the West Valley City limits.

(d) Agree to be assigned to the position for a minimum of three years.

318.5 CANINE HANDLER RESPONSIBILITIES

318.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by a Canine Supervisor.

318.5.2 CARE FOR THE CANINE AND EQUIPMENT

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all Department equipment under his/her control in clean and serviceable condition.

(c) Handlers shall permit the Canine Supervisor to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine vehicle to verify that conditions and equipment conform to this policy.

(d) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Canine Supervisor as soon as possible.

(e) When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.

(f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(g) Under no circumstances will the canine be lodged at another location unless approved by a Canine Supervisor.

(h) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by a Canine Supervisor.

(i) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Supervisor so that appropriate arrangements can be made.

(j) Canine handlers shall be issued the following equipment in order to safely handle and effectively train and deploy their Canine partners:

- 6’ x 12’ or similar kennel with roof
- Large Dogloo or similar dog house
- Portable crate or airline crate
- Bite sleeve (patrol dogs)
- Electronic collar
- Lockable storage box (narcotics dogs)
- Tracking harness
- 15’ or 20’ tracking lead
- 3’ to 5’ waist lead
- Muzzle for training and safety (patrol dogs)
- K-9 trauma pack or first-aid kit

318.5.3 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

318.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the Department policy on compensation for employees.

318.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in § 318.6.2.

318.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through a Canine Supervisor.

Any indication that a canine is not in good physical condition shall be reported to a Canine Supervisor as soon as practical.

All records of medical treatment shall be maintained in the canine handler's personnel file. A copy will be forwarded to, and maintained by, the Canine Supervisor.

318.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care is required.

Depending on the severity of the illness or injury, the canine should either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

318.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Utah POST standards in the Service Dog Program. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by Utah POST or other recognized and approved certification standards.

The Canine Supervisor shall be responsible for scheduling periodic training for all Department personnel in order to familiarize them with how to conduct themselves in the presence of Department canines.

The Canine Unit shall share necessary training equipment consisting of:

- Bite suits
- Puppy sleeves
- Hidden sleeves
- Tugs or other toys
- Sleeve covers (issued as needed for replacement)
- Pinch collars

318.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current Utah POST or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine handlers are encouraged to engage in additional training with approval of a Canine Supervisor.

(b) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is contrary to the policies of the West Valley City Police Department.

(c) All canine training shall be conducted while on-duty unless otherwise approved by a Canine Supervisor.

318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing Utah POST canine certification and, if cross-trained, other recognized and approved certification standards, shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

Any dog team failing to certify or recertify annually under Utah POST standards will be given a second opportunity to attain Utah POST certification. Any dog team not able to attain Utah POST certification after receiving a second opportunity within a reasonable amount of time will be evaluated for removal from the unit. The handler and dog will be evaluated by a Utah POST certified canine judge. Following the evaluation a decision will be made if either the handler, the dog or both need to be removed from service permanently.

318.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's approved training file. At a minimum each training record shall include:

(a) The date the training occurred.

(b) The type of training completed.

(c) The number of training hours completed.

(d) The canine's performance during the training.

(e) Recommendations for further training by the handler.

(f) Any other training issues the handler feels needs to be addressed.

318.8 CANINE SUPERVISOR RESPONSIBILITIES

The Canine Unit Supervisor shall be appointed by the Chief of Police and shall supervise the Canine Program. The Canine Unit Supervisor is directly responsible through the chain of command to the Canine Unit Field Commander. The Canine Unit Supervisor shall be responsible for, but not limited to, the following:

(a) Review Use of Force Reports involving the use of a canine to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintain liaison with administrative staff and functional supervisors.

(c) Maintain liaison with other agency canine coordinators.

(d) Ensure accurate records are maintained to document canine activities.

(e) Recommend and oversee the procurement of needed equipment and services for the unit.

(f) Be responsible for scheduling all canine-related activities.

(g) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

318.9 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

Officers of the Department are exempt from licensing requirements under the Controlled Substance Act to the extent their official duties require them to possess controlled substances and:

(a) They act within the scope of their enforcement responsibilities.

(b) They maintain accurate records of controlled substances which come into their possession. These records will be maintained in an electronic file in the Records Section.

(c) They maintain an effective audit trail.

318.9.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

(a) All necessary controlled substance training samples shall be acquired from the West Valley City Police Department's evidence personnel or from allied agencies authorized by an appropriate court order to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person receiving controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances. Any loss or damage to, any controlled substance training sample shall be reported immediately to the Canine Supervisor.

(d) All controlled substance training samples will be inspected, weighed and tested bi-annually. The results of the bi-annual testing shall be recorded in a supplemental report to the original case and maintained by the Canine Supervisor with a copy forwarded to the dispensing agency if applicable.

(e) All controlled substance training samples will be stored in locked boxes at all times, except during training. The locked boxes shall be secured in the canine handler's assigned patrol vehicle, or stored in a locked evidence locker. There are no exceptions to this procedure.

(f) The Canine Supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action if discrepancies are noted.

(g) Any unusable controlled substance training samples shall be returned to the Forensics Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

318.9.2 IMMUNITY

All duly authorized peace officers, while providing substance abuse training to law enforcement or the community or while providing canine drug detection training in performance of their official duties, and any person working under their immediate direction, supervision, or instruction are immune from prosecution for narcotics possession.

320 – Domestic Violence

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

320.1.1 DEFINITIONS

Definitions related to this policy include:

(a) **Abuse** – intentionally or knowingly 1) causing or attempting to cause physical harm to a dating partner, or 2) placing a dating partner in reasonable fear of imminent physical harm.

(b) **Cohabitants** (Utah State Code § 78B-7-102) – cohabitants are defined as set forth in Utah State Code § 78B-7-102 of the Cohabitant Abuse Act.

(c) **Court order -** all forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

(d) **Dating partner** – a person who is legally emancipated or is 18 years of age or older, and is, or has been in a dating relationship with the other party.

(e) **Dating relationship** – a social relationship of a romantic or intimate nature, or a relationship which has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy. A dating relationship does not mean casual fraternization in a business, educational or social context.

(f) **Dating violence** – any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against a dating partner of the person.

(g) **Dating Violence Protective Order** – a person may seek a protective order if the person is subjected to, or there is a substantial likelihood the person will be subjected to abuse or dating violence by a dating partner. A person may seek a protective order whether or not the person has taken other action to end the relationship.

(h) **Domestic violence** – includes any crime involving the actual, threatened or attempted violence or physical harm of a cohabitant. Domestic violence includes violating a dating violence protective order as defined by Utah Code 78B-7-402(7). Domestic violence also includes committing or attempting to commit any crime listed in Utah Code 77-36-1(4).

(i) **High Danger** - a term used for a victim who has been assessed through use of the LAP and the Lethality Screen as being at the greatest risk of being killed. The victim is said to be at "High Danger."

(j) **Intimate Partners (IP)** – intimate partners are person who are, or have been involved in an intimate relationship who:

1. are married, separated, or divorced;
2. live or have lived together;
3. have children in common; or
4. date, or have dated, but do not live, or never have lived together.

(k) **Intimate Partner Violence (IPV)** – violence between Intimate Partners.

(l) Intimate Relationship – a relationship in which heterosexual or homosexual partners have, or have had, a sexually or emotionally intimate relationship.

(m) Lethality Screen - the evidence-based field instrument used by trained Officers to assess a person who is a victim of Intimate Partner violence for her/his risk of being killed by an Intimate Partner. The screen can also be used for Cohabitants which are not always Intimate Partners.

320.2 POLICY

The West Valley City Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

320.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Section in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally

permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should **not** be used as sole justification for declining to take enforcement action include:
   1. Marital status of suspect and victim.
   2. Whether the suspect lives on the premises with the victim.
   3. Claims by the suspect that the victim provoked or perpetuated the violence.
   4. The potential financial or child custody consequences of arrest.
   5. The physical or emotional state of either party.
   6. Use of drugs or alcohol by either party.
   7. Denial that the abuse occurred where evidence indicates otherwise.
   8. A request by the victim not to arrest the suspect.
   9. Location of the incident (public/private).
   10. Speculation that the complainant may not follow through with the prosecution.
   11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 IF AN ARREST IS MADE

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.
(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE

If no arrested is made, the officer should:

(a) Advise the parties of any options, including but not limited to:
   1. Voluntary separation of the parties.
   2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
(b) Document the resolution in a report.

320.4.3 WAIVER OF JAIL RELEASE AGREEMENT

If a suspect is arrested, officers should:

An officer making an arrest for domestic violence will provide the victim notice, in writing, of the availability and effect of any waiver of the jail release agreement conditions. A victim may choose to sign a waiver of the jail release agreement at any time prior to the end of the jail release

agreement period, following the arrest for domestic violence.

(a) At the scene: If the victim signs the waiver of the jail release agreement prior to the officer leaving the scene, that officer will then complete and distribute the waiver as marked for distribution. If the arrestee is booked, the officer will advise the Adult Detention Center booking officers that a waiver of the jail release agreement has been signed.

(b) After officers have cleared the scene: If a victim declines to sign a waiver of the jail release agreement at the scene and later decides to sign the waiver, the victim must either report to the West Valley City Police Department Investigations Section, with picture identification, to sign the waiver or contact a member of the Domestic Violence Unit to meet the victim at a mutually-agreeable location to sign the waiver. A domestic violence detective must process the waiver of the jail release agreement with the victim. Once the waiver is signed, Adult Detention Center personnel will be notified by the detective.

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

320.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

320.6.1 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request.

320.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

320.9 LEGAL MANDATES AND RELEVANT LAWS

Utah law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

(a) Officers responding to a domestic violence call shall arrest or issue a citation to a domestic violence offender if there is probable cause to believe an offense has occurred. The offense need not occur in the officer's presence.

(b) An officer shall arrest a suspect whenever there is probable cause to believe that the suspect has violated any of the provisions of a court order or condition of release agreement and there is evidence the order has been served. The offense need not occur in the officer's presence.

(c) If an officer has probable cause to believe there will be continued violence against the victim or if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence offense, the officer may not utilize the option of issuing a citation. Factors that may support the likelihood of a continuing offense include:

1. A prior history of arrests or citations involving domestic violence.
2. The suspect is violating a court order.

3. The suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
4. Victim statements that the suspect has a history of physical abuse toward the victim.
5. Victim statements in which he/she expresses fear of retaliation or further violence should the suspect be released.
6. Any other evidence that would indicate the victim may be subjected to continued violence or abuse.

(d) In responding to domestic violence incidents, officers should generally be reluctant to make dual arrests. If an officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to identify the predominant physical aggressor. If the officer determines that one person was the predominant physical aggressor, the officer need not arrest the other person alleged to have committed domestic violence. In determining the predominant aggressor, the officer shall consider:

1. Any prior complaints of domestic violence.
2. The relative severity of injuries inflicted on each person.
3. The likelihood of future injury to each of the parties.
4. Whether one of the parties acted in self defense.

(e) An officer may not threaten, suggest or otherwise indicate the possible arrest of all parties in order to discourage any party's request for intervention by law enforcement.

(f) Whenever a suspect is released by this department, the releasing officer shall then make a reasonable effort to notify the victim of that release and shall transmit that information to the statewide domestic violence network.

(g) An officer who does not make an arrest shall notify the victim of his/her right to initiate a criminal proceeding and of the importance of preserving evidence.

(h) Whenever a complainant advises of the existence of a court order, the officer shall determine if a valid court order exists and use every reasonable means to enforce the order. The officer should determine whether the order is in the statewide domestic violence network and/or:

1. Whether a court order is on file with a law enforcement agency or whether the complainant has a copy of the court order in his/her possession.
2. Whether proof of service or prior notice exists, whether the suspect was in court when the order was made or it was provided by a court ex parte.
3. The terms of the court order that may be enforced against the suspect

(i) In the event the suspect is no longer at the scene, officers shall document the incident for follow-up investigation.

(j) If an arrest is made, the arresting officer should ensure that the detention facility or jail provides the arrestee with written notice containing the following information:

1. The arrestee may not contact the victim before being released.
2. The arrestee may not be released on bail, recognizance or otherwise prior to

the close of the next court day following the arrest unless, as a condition of that release, the person is ordered by the court or agrees in writing that until the expiration of that time he/she will:

(a) Have no personal contact with the alleged victim.

(b) Not threaten or harass the alleged victim.

(c) Not knowingly enter onto the premises of the alleged victim's residence or any premises temporarily occupied by the alleged victim.

(k) Notification of the penalties for violation of the court order or any agreement executed.

(l) The date and time, absent modification by a court or magistrate, that the requirements expire.

320.9.2 REPORTS AND RECORDS

(a) Reports on all incidents of domestic violence shall include:

1. The officer's disposition of the case.
2. The appropriate crime classification for domestic violence.
3. Marital status of each of the involved parties.
4. The relationship of the suspect to the victim.
5. Whether or not an arrest was made.
6. If no arrest was made, the report shall detail the grounds for not arresting.
7. If two parties are arrested, the report shall detail the grounds for arresting both parties.

(b) The officer creating the report should provide the victim with the case number of the report. The case number may be placed in the appropriate space on the victim information handout provided to the victim. If the case number is not immediately available, the officer should explain to the victim how he/she can obtain the information at a later time.

(c) The report shall be made available to the victim, upon request, at no cost.

(d) The Records Supervisor shall forward a copy of the incident report to the appropriate Prosecuting attorney within five days after the complaint of domestic violence occurred.

322 - Search and Seizure

322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for West Valley City Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the West Valley City Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

322.3.1 CONSENT SEARCHES

An officer may perform a consent search of a person or the place or item a person has control over if the consent is freely and intelligently given and is not illegally coerced. Any deception on the part of the officer invalidates an otherwise lawful consent.

Consent searches may only be performed when the officer has a reasonable belief that the search may yield information or evidence related to some type of criminal activity.

When asking for consent the scope of the search and the items or areas to be searched should be clearly articulated to the consenting party by the officer. Consent to search may be given verbally or in writing. Written consent should be documented in writing on a Consent to Search form. Consents given verbally should be recorded on an audio and or video recording device.

322.3.2 SEARCH INCIDENT TO ARREST

Incident to a lawful arrest an officer may perform a search of the individual's person and the area within his/her immediate control, only when it is reasonable to believe evidence relevant to the crime of arrest might be found. Areas within the person's immediate control are limited to the area within the person's reach at the time the arrest was made.

322.3.3 STOP AND FRISK SEARCHES

Pursuant to a legal detention, an officer may conduct a cursory inspection for weapons by patting down the detained person's outer clothing, when the officer has reason to believe the person detained is armed with a dangerous weapon and is a danger to the officer or others.

Pat down searches should be conducted as described in Policy § 902.3, Pat Down Searches.

322.3.4 VEHICLE SEARCHES

Vehicles may be searched without a warrant if probable cause that the vehicle contains evidence of a crime. Officers need not actually prove that a vehicle might or would be gone if they took the time to obtain a warrant prior to making the search. Officers must have probable cause that evidence of a crime or contraband is present in the vehicle. Probable cause that a criminal act has occurred is insufficient to justify a search of a vehicle.

322.3.5 EXIGENT CIRCUMSTANCES

The exigent circumstances exception allows an officer to make a warrantless search under situations where time is not available to obtain a warrant and:

(a) Evidence may be lost if the search is not conducted immediately; or,

(b) Not conducting a search places the safety of the officer or others at risk.

Officers may not forcibly enter a private building or, without consent, enter individual rooms or parts of a private residence to conduct an exigent circumstance search.

Officers may forcibly enter and forcibly remove all persons present inside a private residence for the purposes of obtaining a warrant, when the officer has, prior to entering the residence, probable cause that evidence of a crime and an exigent circumstances exist and the officer intends to pursue a search warrant.

Officers may never make forcible entry into a private residence solely for the alleged possession or use of a controlled substance or the possession or use of drug paraphernalia. (Utah State Code 77-7-8(3)).

Factors that may, given the totality of the circumstances, aid in determining if exigency exists include, but are not limited to:

(a) The gravity of the offense.

(b) Whether the person is reasonably believed to armed and a threat to the safety of the officer or others.

(c) Probable cause exists to believe the person committed an arrestable offense.

(d) Probable cause exists to believe that a suspect who has committed an offense is on the premises to be searched.

(e) There is a likelihood that the suspect will escape if not immediately apprehended.

(f) Entering a private premises solely to determine the health and welfare of the residents.

(g) Entering a business where the business is found unsecured or the officer suspects unauthorized entry and possible criminal activity. In this instance the officer's search should be limited to determining if unauthorized persons are in the business and/or to locate owner information so that the business may be properly secured.

322.3.6 PAROLE SEARCHES

Absent a search warrant or other legal authority an officer may search the residence of a person on parole only after obtaining approval from a parole officer. In other circumstances where an officer stops a parolee and conducts a search of the parolee's person, personal effects or vehicle, the officer shall notify a parole officer as soon as reasonably practicable after conducting the search (Utah Code 77-23-301(3)(a) and (b)).

Officers shall not request or conduct a parole search for the purpose of harassment (Utah Code 77-23-301(4)).

322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite gender as the searching officer, a reasonable effort should be made to summon an officer of the same gender as the subject, or of the gender with which the subject identifies, if practical, to conduct the search. When it is not practicable to summon an officer of the same sex or gender identity as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon or evidence.

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

(a) reason for the search;

(b) any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys);

(c) what, if any, injuries or damage occurred;

(d) all steps taken to secure property;

(e) the results of the search, including a description of any property or contraband seized; and

(f) any efforts to summon an officer of the same gender, or gender identity as the person being searched, to conduct the search. When it is not practicable to summon an officer of the same gender or gender identity as the person being searched, another officer or a supervisor should witness the search and any witness officer should be identified in the report.

322.6 GUIDELINES FOR EXECUTING SEARCH WARRANTS

The purpose of this policy is to provide law enforcement officers with guidelines for the execution of a search warrant.

It is the policy of this department to:

(a) Provide techniques to accomplish a thorough and legal search.

(b) Observe the constitutional rights of the person/s the warrant is being served upon.

(c) Minimize the level of intrusion experienced by those who are having their premises searched.

(d) Provide for the highest degree of safety for all persons concerned.

(e) Establish a record of the entire execution process.

322.6.1 DEFINITIONS

Search Warrant - An order issued by a magistrate in the name of the state and directed to a peace officer, describing with particularity the thing, place or person to be searched and the property or evidence to be seized by him and brought before the magistrate. (Utah Constitution, Article I section 14.) (Utah Code 77-23-210 (2)).

"No Knock" Search Warrant - An order issued by a magistrate in the name of the state and authorizing a peace officer to make an entry without notice of his/her authority and purpose. This order can only be issued upon direct proof, under oath, that the object of the search may be quickly destroyed, or that physical harm may result to any person if notice were given. A warrant

authorizing forcible entry without prior announcement may not be issued solely for the alleged possession or use of a controlled substance or the alleged possession of drug paraphernalia. (Utah Code 77-23-210 (3)).

Search Site or Location - The premises, vehicle, area, or person to be searched as explicitly stated in the search warrant.

Search Personnel - Law enforcement officers and supporting personnel taking part in the execution of a search warrant.

Evidence Collector/Finder - Member of the search team responsible for the photographing, packaging, sealing, marking, and booking into evidence all items seized.

Primary Officer - Search team member most knowledgeable about the case and/or responsible for the investigation. The primary officer on a "no knock" search warrant will normally be the investigating officer who obtained the warrant.

Reportable Incident – The deployment of a tactical group, or law enforcement officers who serve a search warrant after using forcible entry.

Section Commander - A Lieutenant or the designated person in the Lieutenant's absence.

Supervisory Officer - A sergeant or lieutenant.

Tactical Group – a special unit, within a law enforcement agency, specifically trained and equipped to respond to critical, high-risk situations.

322.6.2 PROCEDURES

(a) Risk Assessment and Approval by the Section Commander

1. The investigating officer will complete a risk assessment prior to seeking approval for any search warrant.
2. All department "no knock" search warrants must have prior approval from one of the following: Chief of Police, Deputy Chief of Police, the appropriate Section Commander, or one of his/her designated supervisors. The investigating officer will provide the approving supervisor with the completed risk assessment and a copy of the warrant and affidavit.
3. All other search warrants must be approved by supervisory personnel of the investigating officer. The investigating officer will provide the approving supervisor with the completed risk assessment and a copy of the warrant and affidavit. The approving supervisor will assume or appoint the position of "supervisory officer", and this person will be at the scene or readily available during the service of the warrant. (Under certain circumstances, i.e. package/parcel interdiction, the approval authority may be delegated by the supervisory officer.)
4. The Section Commanding Officer shall be notified of the results of the search warrant as soon as practical after execution.
5. If our agency is requested to assist another agency in the execution of a "no knock" search warrant, the Chief of Police or appropriate Deputy Chief of Police

must approve of the assist, and the appropriate Section Commander must assign an investigative liaison officer.

(b) Uniform and Equipment Requirements

1. The West Valley City Police Department "SWAT" Team may be a resource to use on all "no knock" search warrants. The request for the use of the "SWAT" Team shall be made to one of the following: Chief of Police, Deputy Chief of Police, the appropriate Section Commander, or one of their designated supervisors. The approved request shall be made to the "SWAT" team commander or one of his/her designated team supervisors.
2. The search team shall include at least one uniformed officer. All non-uniformed officers shall wear clearly identifiable markings including a badge and vest or clothing with a distinguishing label or other writing which indicates he or she is a law enforcement officer.
3. All members of the search team shall be equipped with body armor, firearm, and a safety holster.

(c) Time Limitations on Search Warrant Executions

1. A search warrant shall be executed as soon as practical after issuance, but in no case more than ten (10) days from the date of issuance. (Utah Rules of Criminal Procedure, Rule 40)
2. Absent court approval, necessity or authorization by law, a search should be conducted during daylight hours. If the affidavits or oral testimony state a reasonable cause to believe a search is necessary in the night to seize the property prior to it being concealed, destroyed, damaged, or altered, or for other good reason, the warrant may include a direction that it be served any time of the day or night. (Utah Code 77-23-210(2)). (Utah Rules of Criminal Procedure. Rule 40)

(d) Preparation for Execution of Warrant

1. Prior to any other preparations, the primary officer shall follow federal, state and department protocol to de-conflict the investigation and the execution of the warrant. Efforts to de-conflict the above will be documented by the primary officer in his/her initial report.
2. Warrant services will be conducted by personnel trained and equipped for the service of that particular warrant as determined by the risk assessment.
3. Prior to entering the premises, the primary officer shall conduct a pre-entry briefing of the execution process with all search team personnel. The briefing shall include a review of the actual order of operations and procedures the search personnel will follow and a simulation of the conditions of the search site (using maps, charts, diagrams and photographs when appropriate). Additionally, if the "SWAT" team is present, "SWAT" leaders shall participate by instructing tactics and equipment to be used during the entry, including No Knock warrants. A pre-execution surveillance team shall be sent to the scene prior to the search warrant being executed.

4. The primary officer shall attempt to determine if any circumstances have changed that make executing the search warrant at that time undesirable.
5. Prior to entering the residence, the primary officer will minimize the risk of searching the wrong premises by verifying that the premises being searched is consistent with the particularized description in the search warrant, including such factors as the type of structure, the color, the address, and orientation of the target property in relation to nearby structures.
6. The primary officer shall ensure that the entire search warrant execution process is documented until the search team leaves the search site. Written records or reports shall be supported by photographs and diagrams.

(e) Entry Procedures

1. A search warrant may only be served by officers mentioned in its directions, and others acting in such officers aid and presence. (77-23-205) Utah Code
2. Officers shall take reasonable precautions in the execution of any search warrant to minimize the risks of unnecessarily confrontational or invasive methods which may result in harm to any person.
3. Officers executing a search warrant will comply with the Body Worn Camera policy, Policy § 343.
4. The approach to the search site shall be executed without sirens. A pre-execution surveillance will be on scene and radio contact will be made to ensure that it is an appropriate time to serve the search warrant.
5. The primary officer shall be responsible for ensuring that the search warrant is signed and that the property about to be searched is the property listed in the warrant.
6. Officers may use only that force which is reasonable and necessary to execute the warrant. When executing a search warrant, an officer may use reasonable force to gain entry if:
   (a) After announcing the authority and purpose of the entry, there is no response or the officer is not admitted with reasonable promptness, or
   (b) The warrant specifically allows such entry. The Magistrate may issue a "no knock" warrant only if there is proof, under oath, that the property to be seized is easily destroyed, or that serious danger to the officers or others would result if notice were given. (77-23-210) Utah Code
7. The search personnel shall position themselves in the following manner:
   (a) Exits from the premises shall be covered.
   (b) All officers executing the search warrant shall have appropriate clothing which clearly identifies them as police officers, including a badge and vest or clothing with a distinguishing label or other writing which indicates he or she is a law enforcement officer.
   (c) Officers in plain clothes shall be the last members to enter the search site.
8. Notification

(a) The officers shall notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once. If the officers are serving a no knock warrant, notification and identification shall be made immediately upon entry.

(b) On a no knock search warrant, an officer should announce immediately after entry has been made with a public address or handheld bullhorn system, the officers presence, location and intent. The announcement should also direct occupants of the search site to comply with officers. In addition, the officer should also announce and advise neighboring residents, if any, to stay inside their residence during the execution of the search warrant. The announcements and directions should be repeated until the search site is secured

(f) On Premises Activities

1. The supervisory officer shall ensure that a member of the search team conducts a security sweep of the search site.
2. When property is seized pursuant to a search warrant, the officer shall give a receipt to the person from whom it was seized or in whose possession it was found. If no person is present, the officer shall leave the receipt in the place where the property was found. (Utah Rules of Criminal Procedure, Rule 40 (f)).
3. If damage occurs during an entry to a search site that will be left vacant, and the damage may leave the site vulnerable to security problems, arrangements shall be made to guard the site until it can be secured.
4. If damage occurs, a photographic or video record shall be made of the damage. The actions that caused the damage shall be detailed in the officer's reports of the action.
5. All damage or injuries shall be reported to the City Risk Analyst in a timely manner.

(g) Post Execution Requirements

1. After execution of the warrant, the officer shall promptly make a signed return of the warrant to the magistrate and deliver a written inventory of anything seized, stating the place where it is being held. (Utah Rules of Criminal Procedure, Rule 40 (g)).
2. The evidence custodian shall be responsible for the safekeeping and maintenance of the seized items until the items are booked into evidence.
3. A post search debriefing will be conducted by the supervisor officer.

322.6.3 DE-CONFLICTION

Deconfliction is the process of determining when law enforcement personnel are conducting an event in close proximity to one another to avoid conflicts between agencies or officers, increase officer safety, and promote the exchange of information crucial to multijurisdictional investigations.

At the beginning of an investigation into suspected criminal activity, the lead investigator or supervisor shall contact RISSafe to deconflict the address of the suspected criminal activity.

If the investigation extends beyond thirty days, the investigator or supervisor should contact RISSafe to extend the deconfliction.

If the suspected criminal activity takes place outside of West Valley City, the lead investigator or supervisor shall, in addition to contacting RISSafe, contact the agency over that jurisdiction to ensure that there are no conflicting investigations occurring at the suspect location.

RISSafe procedures:

(a) The Regional Information Sharing System (RISS) program maintains the regional deconfliction program, RISSafe.

(b) The lead investigator, supervisor, or assisting analyst may access RISSafe by login at www.riss.net, by phone at 855-261-0011 during business hours, or by phone at 800-821-0640 after business hours. Members of the department who wish to become users of the system must follow RISSNET application and training procedures and will abide by their policies.

(c) At a minimum, the required information will be provided:

1. Date, and time frame of the operation
2. Location
3. Type of operation
4. Supervisor or case agent name and contact information

Notification from RISS regarding potential conflicts shall be documented by the case agent and/or supervisor. When a case agent or supervisor receives notification of a potential conflict, they shall make reasonable efforts to mitigate the conflict by communicating with the other party identified by RISS prior to proceeding with the operation or investigation.

At least one hour prior to making entry on a search warrant, the lead investigator, supervisor, or entry team leader will notify the Watch Commander for West Valley City and/or the outside agency's Watch Commander to make them aware of the address and the time at which the warrant is expected to be served.

322.6.4 MANDATORY REPORTING

The SWAT Commander will be responsible for reporting all reportable incidents to the Commission on Criminal and Juvenile Justice (CCJJ) before April 30 each year consistent with the reporting requirements in Utah Code 77-7-8.5.

323 - Juvenile Operations

323.1 PURPOSE AND SCOPE

This policy is to establish guidelines for the investigation and resolution of juvenile related incidents by members of the West Valley Police Department.

323.1.1 POLICY

It is the policy of the West Valley Police Department to investigate crimes committed by juveniles and handle the resolution with the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual liberty. Generally speaking officers may release the offender and take no further action; they may divert the offender to any of a number of services agencies; they may dispose of the case themselves; or they may refer the youth to Juvenile Court.

Members of the West Valley Police Department should remember that juvenile law enforcement should always go in the direction of rehabilitation and not punishment.

It is the policy of the West Valley Police Department to develop and/or participate in programs that provide for a positive interaction between members of the Police Department and juveniles in the community. We must recognize that a positive experience with law enforcement may deter, or reduce, criminal conduct committed by juveniles. It is also possible that positive interaction with officers can reduce the likelihood of juveniles becoming adult offenders. The Department will review and evaluate its enforcement and prevention programs related to juveniles annually.

Juveniles should only be taken into custody when no other alternative exists or for the safety of the juvenile.

323.2 INITIAL OFFICER RESPONSIBILITIES

In the course of investigating criminal offenses of the law, officers making contact with juveniles must determine if a juvenile has committed a criminal offense or a status offense (only a crime if committed by a juvenile). Members investigating status offenses should use discretion and use the least coercive alternatives to achieve a disposition that preserves public safety, order and individual liberty. Officers may warn and release, seek a remedy through any one of the numerous programs for juveniles, or initiate legal action against the juvenile. Officers will consider the following when determining a course of action:

(a) Nature of the alleged act.

(b) The age and circumstances of the alleged offender.

(c) Juvenile offender's record and/or history with the West Valley City Police Department and /or knowledge that the juvenile offender is already under the jurisdiction of the Juvenile Court.

(d) Victim or complainant's wishes.

(e) Possibility of the crime being repeated.

(f) Availability of any diversion programs.

323.3 DETECTIVE RESPONSIBILITIES

The Investigations Section is responsible for follow up investigation of all complaints involving juvenile offenders to include:

(a) Follow up and investigation of all juvenile felony arrests. This would include putting together the screening information to be forwarded to the prosecuting authority for the consideration of criminal charges.
(b) Follow up of juvenile cases involving misdemeanor crimes when additional information is necessary for the prosecuting authority to proceed.
(c) Prepare accurate documentation of what charges are filed by the prosecuting authority.

Investigation Section detectives should work with all other units within the Department to achieve the least coercive results.

324 - Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the West Valley City Police Department. However, any minor taken into custody shall then be released to the care of the minor's parent or other responsible adult, unless the minor's immediate welfare or the protection of the community requires the minor's detention (Utah Code 78A-6-112(3)(a)(ii)).

Willful failure to comply with provisions of juvenile detention laws is a class B misdemeanor (Utah Code 62A-7-201(5)).

324.2 AUTHORITY TO DETAIN

Legal authority for taking custody of juvenile offenders is found in Utah Code 78A-6-112 and 77-7-2.

A juvenile may be taken into custody if:

(a) There is a legal detention order.

(b) The juvenile is alleged to be in need of services because:

1. The child is seriously endangered in his or her surroundings or if the juvenile seriously endangers others, and immediate removal appears to be necessary for his/her protection or the protection of others.
2. Custody is necessary to insure the juvenile appears in court.
3. In the presence of the officer, the juvenile has violated a state law, federal law, local law, or municipal ordinance.
4. The officer has reasonable grounds to believe the juvenile has committed an act which if committed by an adult would be a felony.
5. The officer has reasonable grounds to believe the juvenile is an escapee from jail, detention home, court placed residential family or residential treatment facility.
6. The officer has reasonable grounds to believe the juvenile has run away or escaped from his/her parent(s), guardian, or custodian.
7. There is reason to believe the child is subject to the State's compulsory education law and that the juvenile is absent from school without legitimate or valid excuse.

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody for an alleged offense which would be a crime if committed by an adult or any status offense, the juvenile should be promptly advised of his/her constitutional right to counsel when being questioned.

Juveniles 14-years of age or older are presumed capable of intelligently comprehending and waiving their right to counsel and may knowingly and voluntarily waive their constitutional right to counsel and be interrogated or interviewed without receiving permission from the juvenile's

parent, legal guardian, or an attorney (Utah Rule of Juvenile Procedure 26(e)).

For juveniles under 14-years of age, he/she may not waive his/her constitutional right to counsel outside the presence of his/her parent(s), guardian, or custodian. Any interview or interrogation shall take place in the presence of the juvenile's parent(s), legal guardian or attorney. (Utah Rule of Juvenile Procedure 26(e)).

In determining whether a confession is voluntary, officers need to understand that juveniles are accorded additional protections under the law. Failure to abide by these protections may result in the exclusion of evidence and the attachment of civil and/or criminal liability to the officers involved and the Department as a whole.

It is most important to remember that the officers are to act as an advocate for the juvenile.

324.3 TEMPORARY CUSTODY

No juvenile may be held in temporary custody at the West Valley City Police Department without authorization of the arresting officer's supervisor or the Watch Commander. An individual taken into custody shall be processed as soon as practical. A minor may not be held in temporary custody by law enforcement any longer than is reasonably necessary to obtain the minor's name, age, residence, and other necessary information and to contact the minor's parents, guardian, or custodian (Utah Code 78A-6-112(4)(a)). Juveniles who are alleged to have committed an act which would be a criminal offense if committed by an adult , may be detained in holding rooms in local law enforcement agency facilities for a maximum of two (2) hours, for identification or interrogation, or while awaiting release to a parent or other responsible adult. Those rooms shall be certified by the State Section of Youth corrections. Those rules shall include provisions for constant supervision and for sight and sound separation from adult inmates. (Utah Code 62A-7-201(4)).

Constant supervision is defined as one or more officers or qualified staff members whose work station allows them to either physically see and hear or who can see and communicate through an audio visual device (T. V. monitoring) with the juvenile in temporary custody. A replacement shall be arranged for and in place, if the monitoring person is called away for any reason to ensure constant supervision.

A police officer or qualified staff member must be available to intervene within 60 seconds should a problem or medical emergency arise with a juvenile.

No juvenile under 10 years of age will be held by officers for any unreasonable length of time, but are to be immediately transferred to non-judicial authorities.

Despite the authorization to hold a juvenile in a certified holding room for up to two hours, no juvenile shall be held in such a room unless there is no other alternative which will protect the juvenile and the community.

When a juvenile is taken into temporary custody, the following steps shall be taken by the arresting officer or the detective assigned to the case.

(a) The officer shall without unnecessary delay notify the parents, guardian, or custodian of the juvenile in custody and provide the location where the juvenile is being held, make

arrangements for the juveniles release, and/or the intended disposition (Utah Code 78A-6-112(3)(a)(i)).

(b) Once the detained juvenile has been placed in custody, complete the Juvenile Detention Log located in the holding area.

(c) Submit a completed report to the field supervisor for approval.

Status offenders and abused or neglected children may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody at the station.

Examples of status offenses are as follows: ungovernable, truant, runaway, curfew violation, and illegal consumption and or possession of alcohol or tobacco.

324.3.1 TEMPORARY CUSTODY REQUIREMENTS

All juveniles held in temporary custody shall have the following made available to them:

(a) Access to toilets and washing facilities.

(b) If the juvenile has not eaten within the past four hours or is otherwise in need of nourishment a snack shall be provided, as directed by a supervisor.

(c) Access to drinking water.

(d) Privacy during visits with family, guardian or lawyer.

324.3.2 NON-CONTACT REQUIREMENTS

Persons under 18-years of age, who are apprehended by any officer under any provision of state law, may not be confined in jails, lockups, or cells used for persons 18-years of age or older who are charged with crime, or in secure post-adjudication correctional facilities, except as provided by specific statute and in conformance with standards approved by the Juvenile Justice System Board (Utah Code 62A-7-201(1)).

Minors charged by information or indictment with crimes as a serious youth offender under Utah Code 78A-6-702 or certified to stand trial as an adult pursuant to Utah Code 78A-6-703 may be detained in a jail or other place of detention used for adults (Utah Code 62A-7-201(2)(a)).

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

(a) There will be no communication between the juvenile and adult prisoners.

(b) If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, a West Valley City Police Department employee trained in the supervision of inmates shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner.

(c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:

1. Booking.

2. Medical screening.
3. Inmate worker presence while performing work necessary for the operation of the West Valley City Police Department such as meal service and janitorial service.
4. Movement of persons in custody within the West Valley City Police Department.

324.4 TYPES OF CUSTODY

The following provisions apply to types of custody and detentions of juveniles brought to the West Valley City Police Department.

324.4.1 NON-SECURE CUSTODY

All juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14-years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility. However, the custody must be non-secure. Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed, but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video or other electronic devices does not replace constant personal visual supervision.

324.4.2 SECURE CUSTODY

A juvenile may be held in secure detention in the secure detention room if the juvenile is 14-years of age or older and, if in the reasonable belief of the peace officer, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met. Any juvenile in temporary custody who is less than 14-years of age, or who does not, in the reasonable belief of the peace officer, present a serious security risk of harm to self or others, shall not be placed in secure detention, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody are met.

(a) In making the determination whether the juvenile presents a serious security risk of harm to self or others, the officer may take into account the following factors:

1. Age, maturity and delinquent history of the juvenile.
2. Severity of the offense(s) for which the juvenile was taken into custody.
3. Juvenile's behavior, including the degree to which the minor appears to be cooperative or non-cooperative.
4. The availability of staff to provide adequate supervision or protection of the juvenile.
5. The age, type and number of other individuals who are detained in the facility.

(b) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:

1. Juvenile is 14-years of age or older.
2. Juvenile is taken into custody on the basis of having committed an act which would be a criminal offense if committed by an adult.

3. Detention at this facility does not exceed two-hours from the time of arrival at the police station, when both secure and non-secure time is combined.
4. Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents or arrange transfer to a juvenile detention facility.
5. The officer apprehending the juvenile has reasonable belief that the juvenile presents a serious security risk of harm to self or others. Factors to consider include:
   (a) Age, maturity and delinquent history of juvenile.
   (b) Severity of offense for which the juvenile was taken into custody.
   (c) Juvenile's behavior.
   (d) Availability of staff to provide adequate supervision or protection of the juvenile.
   (e) Age, type and number of other individuals detained at the facility.

324.4.3 SECURE DETENTION OF JUVENILES

While in secure detention, minors may be locked in a room or other secure enclosure, or otherwise reasonably restrained as necessary to prevent escape and protect the juvenile or and others from harm.

(a) Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:
   1. A Department employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.
   2. Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.
   3. Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Sergeant or the designated supervisor and the reason for continued secure detention shall be documented.

(b) In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:
   1. Constant auditory access to staff by the juvenile.
   2. Unscheduled personal visual supervision of the juvenile by Department staff, no less than every 30 minutes. These jail checks shall be documented.

(c) Males and females shall not be placed in the same locked room.

324.4.4 JUVENILE DETENTION ROOMS

The West Valley City Police Department has provided temporary juvenile detention rooms. These rooms are designed for the temporary detention of juveniles meeting the criteria of secure custody. Officers or detectives placing juveniles in secure detention rooms shall

comply with the following:

(a) It is the officer's responsibility to notify the Watch Commander, desk personnel, and/or detective personnel that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of two-hours.

(b) Any juvenile placed in a locked detention room shall be separated according to gender and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Watch Commander shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.

(c) A written record will be maintained on a detention log located in the holding area. This log will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began, and the time it ended. There will also be a place for the Watch Commander to initial the log approving the detention and the time it begins, and to initial the log when the juvenile is released.

(d) It is the responsibility of the arresting officer or a detective (when available) to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian or the appropriate juvenile custody facility. When a detective is not available, the Watch Commander, or his/her designee, shall be responsible for monitoring the detention of the juvenile and ensuring that appropriate paperwork is prepared to process the juvenile out of the custody of the Department.

The Watch Commander shall be notified in all cases when a juvenile is detained at this department, and when applicable, shall be provided the name of the officer or detective taking responsibility for the detention and processing of the juvenile.

(e) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the crime report. Any property recovered from the second inspection shall be noted in the officer's report and if legal to possess be returned to the juvenile or his/her parent(s), guardian, or custodian. If the property recovered is not legal to possess, it shall be noted in the officer's report and booked into evidence. Further court proceedings shall be considered.

324.4.5 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the responsible detective or the desk personnel, or locked in a juvenile property locker until the juvenile is released from the custody of the West Valley City Police Department.

324.4.6 MONITORING OF JUVENILES

The juvenile shall constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once each half-hour, on an unscheduled basis, until the

juvenile is released. This inspection shall not be replaced by video monitoring. This inspection shall be conducted by a designee of the Watch Commander and the visual inspection shall be logged on the Inspection Log in the holding area.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the Watch Commander shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile Security Report Logs and Confinements of Juvenile Logs shall be turned into the Records Supervisor or his/her designee at the end of each month.

324.4.7 MANDATED JUVENILE PROVISIONS

While a juvenile is being detained in the detention room, he/she shall be provided with the following:

(a) Reasonable access to toilets and washing facilities. A police officer or staff member of the same sex shall supervise the personal hygiene activities of the detained juvenile.

(b) Food, if the juvenile has not eaten within the past four hours, or is otherwise in need of nourishment, including any special diet required for the health of the juvenile. All food given to a juvenile in custody shall be provided at the direction of the supervisor or Watch Commander.

(c) Reasonable access to drinking water.

(d) Privacy during family, guardian and/or lawyer visits.

(e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the department if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody).

324.4.8 FORMAL BOOKING

No juvenile shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the Watch Commander. The officer's supervisor or Watch Commander shall give due consideration to the following:

(a) The gravity of the offense.

(b) The past record of the offender.

(c) The age of the offender.

324.4.9 DISPOSITIONS

(a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:

1. Parent or legal guardian.
2. An adult member of his/her immediate family.
3. An adult person specified by the parent/guardian.
4. An adult person willing to accept responsibility, when the juvenile's parents are

unavailable as approved by the Watch Commander.

(b) Before the minor is released, the parent or other person taking custody of the minor shall be required to sign a written promise to bring the minor to the court at the specified date and time (Utah Code 78A-6-112(30(d)).

1. Minors who are alleged to have committed an act which would be a criminal offense if committed by an adult, may be detained in holding rooms in local law enforcement facilities for a maximum of two-hours, for identification or interrogation or while awaiting release to a parent or other responsible adult (Utah Code 62A-7-201(4)).

(c) If the minor is not released with a written citation and promise to appear, the minor shall be taken to a place of detention or shelter without unnecessary delay (Utah Code 78A-6-112(4)(b)).

1. The officer who takes a minor to a detention or shelter facility shall promptly file with the detention or shelter facility a written report on a form provided by the state stating the details of the presently alleged offense, the facts which bring the minor within the jurisdiction of the juvenile court and the reason the minor was not released by the Department (Utah Code 78A-6-112(5)(a)).

(d) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:

1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.

2. If the arresting officer or the Watch Commander believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken. If the juvenile is being charged with a class B misdemeanor or less, the officer will issue the juvenile a juvenile citation or the officer will refer the juvenile to Juvenile Court. If the juvenile is being charged with a class A misdemeanor or a felony, the case will be assigned to a detective for screening. The detective will contact the parents and advise them of the course of action.

3. The juvenile may be transferred to a juvenile detention facility with authorization of the appropriate supervisor or the Watch Commander and approval from the facility intake officer.

(e) If a juvenile is to be transported to a juvenile detention facility, the following forms shall accompany the juvenile:

1. Application for Petition.

2. Three copies of the applicable reports for each juvenile transported. In certain cases a juvenile detention facility may accept custody of the juvenile based on the petition and the agreement that facsimile copies will be forwarded as soon as completed.

3. Any personal property taken from the juvenile at the time of detention.

(f) The juvenile detention facility will immediately review the forms provided by the officer and determine, based on the guidelines for detention admissions established by the Division of Juvenile Justice Services under Utah Code 62A-7-202, whether to admit the minor to secure detention, admit the minor to home detention, place the minor in a placement other than detention, or return the minor home upon written promise to bring the minor to the court at a time set, or without restriction (Utah Code 78A-6-112(5)(b)(i)).

324.5 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

In general, Granite School District officials will allow properly identified officers working a case related to the school, school district or child abuse cases immediate access to students for an interview either on site or at another appropriate location as determined by the investigator. Officers working cases not related to the school, school district or child abuse will generally not be allowed to interview the child at the school during school hours. Exceptions may be granted by contacting the Granite School District Police Department.

(a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low-profile police presence when contacting a student.

(b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:

1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.

2. If efforts to contact a parent, guardian or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.

3. If contacted, the selected parent, other responsible adult or school official may be permitted to be present during any interview.

   (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.

   (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.

(c) Any juvenile student who is a suspected victim of child abuse shall be afforded the

option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

324.6 JUVENILE RECORDS

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a minor. Juvenile record disclosures are governed by Utah Code, Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA) and the Federal Family Educational Rights and Privacy Act (Utah Code 78A-6-112(3)(b)(iii)).

If the minor is taken into custody or detention for a violent felony, as defined in Utah Code 76-3-203.5, or an offense in violation of Utah Code, Title 76, Chapter 10, Part 5, Weapons, the officer taking the minor into custody shall, as soon as practicable or as established under Utah Code 53A-11-1101(1), notify the school superintendent of the district in which the minor resides or attends school for the purposes of the minor's supervision and student safety (Utah Code 78A-6-112(3)(b)).

(a) The notice shall disclose only:

1. The name of the minor.
2. The offense for which the minor was taken into custody or detention.
3. If available, the name of the victim, if the victim:
   - (a) Resides in the same school district as the minor.
   - (b) Attends the same school as the minor.

(b) The notice shall be classified as a protected record under Utah Code 63G-2-305.

Officers shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.6.1 METHOD TO DISTINGUISH JUVENILE RECORD

(a) Physical Records. Juvenile records stored in a physical format will be distinguished from other records by labeling the case file with a “J.”

(b) Electronic Records. Juvenile records stored electronically in the records management system and associated electronic filing cabinets will be designated by a mandatory field. Before an incident can be closed an entry will be made indicating that a juvenile was involved in the incident.

324.6.2 RETENTION OF JUVENILE RECORDS

Juvenile records will be maintained using the same retention schedule as other records held by this Department.

The records for juveniles who reach the age of eighteen (18) are maintained in the same

manner as adult records.

324.6.3 RELEASE OF INFORMATION BY COURT ORDER

A copy of the current policy of the Juvenile Court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual.

324.6.4 RELEASE OF INFORMATION TO OTHER AGENCIES

Only information authorized by law will be released to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Detective Supervisors to ensure that personnel of those bureaus act within legal guidelines.

324.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Watch Commander shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first-aid care prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as possible:

(a) The Juvenile Court.

(b) The parent, guardian or person standing in place of the parents of the juvenile.

324.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/her self, or any unusual behavior which may indicate the juvenile may harm him/her self while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the Watch Commander if he/she believes the juvenile may be a suicide risk. The Watch Commander will then arrange to contact a mental health team for evaluation, or to contact a juvenile detention facility and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

324.7.3 USE OF RESTRAINT DEVICES

§ 306 refers to the only authorized restraint device. It is the policy of the Department that restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and only for a

temporary measure pending transportation to another facility or until other custodial arrangements can be made. The use of restraints shall only be used when the juvenile:

(a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.

(b) Is a serious and immediate danger to him/her self or others.

Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

The Watch Commander shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision shall be maintained in order to ensure that restraints are properly employed and to ensure the safety and wellbeing of the juvenile. Such supervision shall be documented in the police report.

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment, or as a substitute for treatment.

324.7.4 DEATH OF A JUVENILE WHILE DETAINED

In the event of the death of any juvenile being detained by this department, the Law Enforcement Critical Incident Investigative Protocol shall be invoked to investigate the circumstances surrounding the incident. In addition, the Internal Affairs and Inspections Bureau shall conduct an administrative investigation of the incident

In any case in which a juvenile dies while detained at the West Valley City Police Department, the following shall apply:

(a) Upon receipt of a report of death of a juvenile from the Chief of Police or his/her designee the Juvenile Justice Services Board (JJS) may inspect and evaluate the juvenile facility, jail, lockup or court holding facility.

(b) An operational review of every in-custody death of a juvenile shall be conducted.

324.7.5 CURFEW VIOLATIONS

Juveniles detained for curfew violations may be released in the field or brought to the station but should only be released to their parent, legal guardian or responsible adult.

324.7.6 WELFARE OF THE JUVENILE

In all cases that a juvenile is encountered, the investigating officer shall assess the conditions of the juvenile. They need to assess if the juvenile has been harmed or is in danger of being harmed, by himself/herself or another. Officers must always take the health and welfare of the

juvenile into consideration when determining a resolution.

324.8 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the West Valley City Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity.
- Minor is known or suspected to have ingested any substance that could result in a medical emergency.
- A juvenile who is intoxicated to the level of being unable to care for himself/herself.
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated. For example, a juvenile who has ingested one or two beers would not normally meet this criterion.

(a) A juvenile detained and brought to the West Valley City Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:

1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.

(b) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the West Valley City Police Department, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting the in-person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.

1. The 15-minute checks of the juvenile shall be documented on the Juvenile

Detention Log in the holding area.

(c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.

(d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

(e) A medical clearance is required before the juvenile is transported to juvenile detention facility if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

324.9 SEARCHING JUVENILES

324.9.1 SEARCHING, FRISKS, AND PAT DOWNS OF JUVENILES

The rules and laws pertaining to searches, frisks, pat downs, reasonable suspicion, and probable cause all apply to juveniles.

324.9.2 PHOTOGRAPHING AND FINGERPRINTING OF JUVENILES IN CUSTODY

(a) Photographs may be taken of a minor 14 years of age or older who:

1. Is taken into custody for the alleged commission of an act that would also be a criminal offense if committed by an adult; or
2. Has been determined to be a serious habitual offender for tracking under section 63M-10-201 and is under the continuing jurisdiction of the Juvenile Court or the Section of Juvenile Justice Services.

(b) Fingerprints may be taken of a minor 14 years of age or older who:

1. Is taken into custody for the alleged commission of an offense that would be a felony if the minor were 18 years of age or older; or
2. Has been determined to be a serious habitual offender for tracking under Utah Code Section 63M-10-201 and is under the continuing jurisdiction of the Juvenile Court or the Section of Juvenile Justice Services; or
3. Is required to provide a DNA specimen under Utah Code Section 53-10-403.

(c) Fingerprints shall be forwarded to the Bureau of Criminal Identification and may be stored by electronic means. (Utah Code 78A-6-1104)

(d) Any Juvenile under the age of 14 who is taken into custody for an alleged offense that would be a felony if committed by an adult, may be photographed and/or fingerprinted upon

such terms as the court shall order. (Utah Rules of Juvenile Procedure. Rule # 27.)

324.10 INTERVIEWING OR INTERROGATION OF JUVENILES IN CUSTODY

Officers shall comply with section 324.4.1 of this policy when interviewing or interrogating juveniles alleged to have committed a offense which if committed by an adult would be a crime, or a status offense, while in temporary custody.

No person other than a probation officer or a staff member of a detention facility is permitted to interview a minor under the age of 14 years of age held in the facility without the minors parent, guardian, or custodian present, unless the parent, guardian, or custodian of the minor has signed a written waiver after being advised of the minors rights.

No person other than a probation officer or a staff member of a detention facility shall be permitted to interview a minor 14 years of age or older in a detention facility without the consent of the minor and the minor's parent, guardian, or custodian after first advising said minor of his/her constitutional rights and such rights having been intelligently waived by the minor.

If the parent, guardian, or custodian of the minor is not available, consent of the court shall be obtained before interviewing the minor in a detention facility.

325 – Temporary Detention, Testing, & Processing

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide information and guidelines for the Department's temporary detention area. All persons held in the West Valley City Police Department temporary detention rooms shall be held in a manner that provides for their security and safety, as well as the safety of the personnel of the Department. All safety and security measures outlined in this policy apply to any and all areas where processing or testing of detainees occurs. Suspects will only be placed in a temporary holding cell until processing is complete. The only rooms to be utilized for temporary detention purposes are the designed "holding cells" located in the lower level of the Police Department building. Temporary detention shall be defined as the physical separation of a suspect from the officer inside a secured room.

325.2 DEFINITIONS

(a) A "Visual Check" is a visual inspection which can be accomplished by video camera, or an officer looking through the window of the holding cell.

(b) A "Physical Check" is a physical check requires that an officer go to the holding cell and check on the status of the detainee(s). Video monitoring of a detainee does not satisfy the requirements of a physical check.

325.3 PROCEDURES

(a) All officers will follow the following policy and procedures:

1. The temporary detention area is located in the northeast corner of the West Valley City Police Station, adjacent to the detainee processing area and the north sally port. Entrance/Exit doors will remain closed and locked when not in use. The sally port entrance and processing/detention entrance utilize key card access security doors, requiring authorization to enter and exit the facility. Testing and processing also occurs in this area where an Intoxilyzer Alcohol-Analyzer is located.

2. Officers utilizing the temporary detention area, including processing and testing, must secure their firearms prior to entering the area. The only exception is officers responding to an emergency call for assistance from that area. Officers shall remain cognizant and use caution at all time when detainees are being processed and/or temporarily detained.

3. Detainees will be monitored at all times. If a physical check is not maintained, detainees must be monitored by way of audio/video devices, and a physical check must be conducted at least every 30 minutes. Officers shall notify dispatch when temporary detention begins and ends. Officers shall record the times when temporary detention begins and ends in the logbook. Detention time shall be kept to an absolute minimum before transporting to a jail or, if the detainee is a juvenile,

taken to a juvenile detention facility or released to a parent or guardian. The temporary detention area contains four holding cells. Each cell is able to be remotely viewed via television monitor located in the control room of the temporary detention area.

4. Detainees will be separated from each other unless an emergency or mass arrest situation exists. Gender identity and any significant affiliations (gangs, relationship, etc.) should be considered if the need exists to place individuals together in a holding cell. Sight and sound separation shall be maintained between all juvenile detainees and adult detainees while in custody at the West Valley City Police Department. If detaining a juvenile in a temporary holding cell and an adult is also being detained, the juvenile is to be placed in holding cell number 4 and the magnetic sight and sound barriers are to be placed over the glass areas. In situations where brief or accidental contact may occur, Department personnel shall maintain a constant presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

5. The arresting officer is responsible for the welfare and safety of the detainee. Detainees who pose a threat to themselves or others may be secured to a fixed or immovable object within the detention facility that is designed and intended for that specific purpose. Detainees will be provided access to water, restrooms and other needs that may arise during the course of their detention. Any detainee who is not contained in a secure temporary detention area shall be maintained under constant supervision.

6. A logbook of detainees will be completed and kept inside the temporary detention area which documents:
   i. Case number of the incident.
   ii. Name of the detainee.
   iii. Age of the detainee.
   iv. Sex of the detainee.
   v. Time of the detainee in and out of the temporary detention area.
   vi. Personal items removed from the detainee.
   vii. Reason for detention.

7. Meals will not be provided to detainees.

8. Any injuries shall be documented in the officer's official report.

9. Should a detainee appear to become unresponsive or in need of medical care while within the temporary detention area, medical personnel shall immediately be contacted. Officers may enter the room to administer first aid.

10. Without extenuating circumstances, adult detainees shall not be held for longer than six (6) hours. Juvenile detention shall be limited to two (2) hours. In the

extraordinary event a detainee is held longer, it will be documented and routed through the officer's chain of command.

325.4 FIRE PREVENTION/EVACUATION/SUPPRESSION

While the temporary detention rooms are fire resistant, necessary precautions will be taken to prevent detainee access to fire source or flammable objects. Smoking is prohibited in all areas of the Police Department. Items which may be used to start a fire shall not be present within the temporary detention area. The temporary detention area is equipped with automatic fire detectors and automatic sprinklers.

If an evacuation becomes necessary, due to a fire alarm or actual fire, an officer will remove the detainee by the quickest and safest route, which is noted in the evacuation route signage. Fire extinguishers are located in the detention area. In the event of an actual fire, an employee will pull the fire alarm.

325.5 SECURITY IN TEMPORARY DETENTION AREA

(a) The following security procedures shall be followed:

1. Each detainee held in the detention area shall be logged into the detention logbook. The detainee shall be logged out of the detention logbook upon transfer or release. The logbook shall be maintained in the detention area.

2. Prior to placing a detainee in a holding cell, an officer will visually inspect the cell for weapons, contraband, or any other property. The holding cell will also be inspected upon removing the detainee. This will be noted in the detention logbook.

3. All detainees must be thoroughly searched for weapons, contraband and/or any dangerous weapons or materials prior to being held in the detention area. Department Policy 902, Custody Searches, shall be followed for adults and Department Policy, 324, Temporary Custody of Juveniles, shall be followed for juveniles. Detainees shall be searched by officers of like gender or gender identification, if possible, unless officer/detainee safety dictates otherwise. All Department policies and procedures shall be followed in order to prevent the escape of any detainee.

4. When special circumstances exist which indicate the detainee may hurt themselves or others, the detainee's property, to include: wallet, purse, keys, jewelry, belt, suspenders, shoes, hats or headgear, etc. shall be removed, inventoried, and logged on a property receipt and secured in the control room, located in the temporary detention area. The detainee shall sign the property receipt upon return of their property.

5. All evidence, contraband, or unlawful weapons shall be seized and documented on a property receipt. The detention area shall be stocked with necessary evidence and storage bags as well as security containers for needles, syringes or other dangerous material.

6. Panic or duress buttons are located on each officer's portable radio. Officers conducting business in the detention area shall be equipped with his/her assigned portable radio should the need for assistance arise. These alarms are monitored twenty-four (24) hours a day by communications.

7. Only authorized personnel may have access to the detention area and to detainees during detention. No visitors will be permitted at any time.

8. Officers should consider the totality of the circumstances when deciding whether or not to have the detainee remain in handcuffs while being held in the temporary detention area. The detainee should remain handcuffed and a second officer should be present when security concerns arise.

9. At no time will detainees from other agencies be permitted to be lodged in the temporary detention area.

10. The holding cells shall be inspected for cleanliness after each use. Bodily fluids, blood, saliva, urine, etc. are to be cleaned with an acid free cleaner. Protective gloves shall be worn when cleaning the area. The chain of command will be used should significant cleaning needs arise.

325.6 INSPECTION OF THE TEMPORARY DETENTION AREA

(a) On a semi-annual basis, a designee of the Professional Standards Bureau Deputy Chief will conduct an inspection of the temporary detention area utilizing the Temporary Detention Area Inspection Form.

1. The inspection will include the room security; sanitation and cleanliness; safety and fire suppression; locker inspection (guns/property); and inspection of logbook.

2. At the completion of the inspection, the form will be routed to the Professional Standards Bureau Deputy Chief for review and recommendations when necessary.

3. On an annual basis, the Professional Standards Bureau Deputy Chief, or designee, will conduct a documented annual review of the temporary detention area to include policy, training, equipment, or disciplinary issues.

325.7 TRAINING

Personnel charged with monitoring temporarily detained individuals in the facility shall be provided initial training on the use of the temporary detention area and in-service training at least once every four years.

326 - Elder/Vulnerable Adult Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Department with direction and understanding of their role in the prevention, detection and intervention in incidents of elder abuse. It is the policy of the West Valley City Police Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Utah Code 76-5-111).

Abandonment - Any knowing or intentional action or inaction, including desertion, by a person or entity acting as a caretaker for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter or medical or other health care (Utah Code 76-5-111(1)(a)).

Abuse - Attempting to cause harm, intentionally or knowingly causing harm or intentionally or knowingly placing another in fear of imminent harm and includes (Utah Code 76-5-111(1)(b)):

- Unreasonable or inappropriate use of physical restraint, medication or isolation that causes or is likely to cause harm to a vulnerable adult, which is in conflict with a physician's orders or used as an unauthorized substitute for treatment, unless that conduct furthers the health and safety of the adult.
- Emotional or psychological abuse.
- Sexual offense as described in Utah Code 76-5-401 et seq.
- Deprivation of life sustaining treatment, except as provided in Utah Code 75-2a-101 et seq., or when informed consent, as defined in Utah Code 76-5-111, has been obtained.

Caretaker - Any person, entity, corporation or public institution that assumes the responsibility of providing a vulnerable adult with care, food, shelter, clothing, supervision, medical or other health care or other necessities. Caretaker includes a relative by blood or marriage, a household member, a person who is employed or who provides volunteer work, or a person who contracts or is under court order to provide care (Utah Code 76-5-111(1)(d)).

Elder abuse - Abuse, neglect or exploitation of an elder adult (Utah Code 76-5-111(1)(b)). An adult is not considered abused, neglected or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, non-medical forms of healing in lieu of medical care.

Elder adult - Any person 65-years of age or older (Utah Code 76-5-111(1)(f)).

Emotional or psychological abuse - Intentional or knowing verbal or nonverbal conduct directed at a vulnerable adult, including ridiculing, intimidating, yelling, swearing, threatening, isolating, coercing, harassing or other forms of intimidating behavior that result or could result in the vulnerable adult suffering mental anguish or emotional distress, including fear, humiliation, degradation, agitation, confusion or isolation (Utah Code 76-5-111(1)(i)).

Exploitation - A person commits the offense of exploitation of a vulnerable adult when the person:

- Is in a position of trust and confidence or has a business relationship with the vulnerable adult and knowingly, by deception or intimidation, obtains or uses or endeavors to obtain or use, the vulnerable adult's funds, credit, assets or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit or possession of his/her property for the benefit of someone other than the vulnerable adult.
- Knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, the vulnerable adult's funds, assets or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit or possession of his/her property for the benefit of someone other than the vulnerable adult.
- Unjustly or improperly uses or manages the resources of a vulnerable adult for the profit or advantage of someone other than the vulnerable adult.
- Unjustly or improperly uses a vulnerable adult's power of attorney or guardianship for the profit or advantage of someone other than the vulnerable adult.
- Involves a vulnerable adult who lacks the capacity to consent in the facilitation or furtherance of any criminal activity.
- Commits sexual exploitation of a vulnerable adult (Utah Code 76-5b-202).

Harm - Pain, mental anguish, emotional distress, hurt, physical or psychological damage, physical injury, serious physical injury, suffering or distress inflicted knowingly or intentionally (Utah Code 76-5-111(1)(i)).

Neglect - Any of the following:

- Failure of a caretaker to provide nutrition, clothing, shelter, supervision, personal care or dental, medical or other health care.
- Failure to provide protection from health and safety hazards or maltreatment.
- Failure of a caretaker to provide care to a vulnerable adult in a timely manner and with the degree of care that a reasonable person in a like position would exercise.
- A pattern of conduct by a caretaker without the vulnerable adult's informed consent, resulting in deprivation of food, water, medication, health care, shelter, cooling, heating or other services necessary to maintain the vulnerable adult's well-being.
- Knowing or intentional failure by a caretaker to carry out a prescribed treatment plan that causes or is likely to cause harm to the vulnerable adult.
- Self-neglect by the vulnerable adult (Utah Code 76-5-111(1)(i-v).
- Abandonment by a caretaker (Utah Code 76-5-111(1)(a)).

Vulnerable adult - An elder adult, or an adult who has a mental or physical impairment which substantially affects that person's ability to:

- Provide personal protection.
- Provide necessities, such as food, shelter, clothing or mental or other health care.
- Obtain services necessary for health, safety or welfare.
- Carry out the activities of daily living.
- Manage the adult's own resources.
- Comprehend the nature and consequences of remaining in a situation of abuse, neglect or exploitation (Utah Code 76-5-111(1)(t)).

326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to Utah Code 76-5-111.1, the West Valley City Police Department is considered a mandated reporter. Employees investigating elder and vulnerable adult abuse shall contact Adult Protective Services within the Department of Human Services, Division of Aging and Adult Services. When the initial report is made to an officer or the Department, the officer or the Department shall immediately notify Adult Protective Services intake. Adult Protective Services and the Department shall coordinate, as appropriate, their investigations and provide protection to the vulnerable adult as necessary.

326.3.1 INVESTIGATOR RESPONSIBILITY

The investigator is responsible for the following:

(a) Providing a copy of the investigative report to Adult Protective Services, if requested. This requirement is applicable even if the initial call was received from Adult Protective Services.

(b) Retaining the original vulnerable adult abuse report with the initial case file.

326.4 OFFICER'S RESPONSE

All incidents involving actual or suspected elder and vulnerable adult abuse shall be fully investigated and appropriately documented. An officer who is required to report suspected abuse, neglect or exploitation of a vulnerable adult and who willfully fails to do so, is guilty of a class B misdemeanor (Utah Code 76-5-111.1(3)(a)).

326.4.1 INITIAL RESPONSE

Officers may be called upon to make a forced entry as the first responder to the scene of a suspected vulnerable adult abuse report. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

326.4.2 STABILIZE THE SITUATION

Officers must quickly assess the situation to ensure the immediate safety of all persons. Officers shall also consider the following:

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately

reporting the incident. Do not automatically discount the statement of an elderly person.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.

(d) Make on-scene arrests when appropriate. Immediate arrest of the alleged abuser (especially when he/she is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

326.4.3 SUPPORT PERSONNEL

The following person should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Detective personnel
- Evidence collection personnel
- Adult Protective Services personnel

326.4.4 EMERGENCY ACTION

An officer may work with Adult Protective Services to remove and transport, or cause to have transported, a vulnerable adult to an appropriate medical or shelter facility if the officer has probable cause to believe that by reason of abuse and/or neglect there exists emergency exigent circumstances and:

(a) The vulnerable adult will suffer serious physical injury or death if not immediately placed in a safe environment.

(b) The vulnerable adult refuses to consent or lacks capacity to consent.

(c) There is not time to notify interested parties or to apply for a warrant or other court order.

326.5 ELDER ABUSE REPORTING

Every allegation of elder abuse shall be documented. When documenting vulnerable adult abuse cases, the following information should be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss

- Names of agencies and personnel requested and who are on-scene

Reporting cases of vulnerable adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

Officers investigating the abuse of a vulnerable adult shall complete all appropriate Department and state forms.

328 - Discriminatory Harassment

328.1 PURPOSE AND SCOPE

This policy is intended to prevent department employees from being subjected to discrimination or sexual harassment.

328.2 POLICY

The West Valley City Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect (Utah Anti-Discrimination Act, Utah Code, Title 34A, Chapter 5).

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

328.3 DISCRIMINATION PROHIBITED

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an employee's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

Retaliation is treating an employee or applicant differently or engaging in acts of reprisal or intimidation against the employee or applicant because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

328.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment,

including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Utah Anti-Discrimination and Labor Division.

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Director of Human Resources or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure their subordinates understand their responsibilities under this policy.

(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Chief of Police in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations.

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegations based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Director of Human Resources, or the City Manager.

328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

328.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, City Manager or the Director of Human Resources if more appropriate.

- Maintained for the period established in the department's records retention schedule.

328.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

328.9 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Director of Human Resources, or the City Manager, or they may contact the Utah Anti-Discrimination and Labor Division and/or the EEOC.

330 - Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when West Valley City Police Department members are required to notify the Division of Child and Family Services (DCFS) of suspected child abuse.

330.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (Utah Code 62A-4a-403).

330.2 POLICY

The West Valley City Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DCFS is notified as required by law.

330.3 MANDATORY NOTIFICATION

Members of the West Valley City Police Department shall notify DCFS when there is reason to believe that a child has been subjected to abuse or neglect, when they observe a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect or when any person notifies the member of abuse or neglect (Utah Code 62A-4a-403).

For purposes of notification, abuse includes, but is not limited to, non-accidental harm or threatened harm of a child (e.g., physical, emotional or developmental injury or damage), sexual abuse (e.g., bigamy, incest, lewdness), or sexual exploitation. Abuse does not include reasonable discipline, restraint, weapon removal or management of a child or other legally justifiable acts (Utah Code 62A-4a-101; Utah Code 78A-6-105).

330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Utah Code 62A-4a-403):

(a) Notification shall be made immediately to the nearest DCFS office.

(b) The date and time of notification should be documented in the related report.

330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DCFS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or

guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DCFS.
Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Utah Code 62A-4a-202.1; Utah Code 78A-6-106):

(a) When a court order has been issued authorizing the removal of the child.

(b) Without a court order, when there exist exigent circumstances sufficient to relieve an officer of the requirement to obtain a warrant.

(c) Without a warrant when an officer obtains the consent of the child's parent or guardian.

The above apply to removing a child from a home or school as well as from a parent or guardian.

330.6.1 NOTICE AFTER PROTECTIVE CUSTODY

An officer who takes a child into protective custody shall immediately use reasonable efforts to locate and inform, through the most efficient means available, the child's parents, non-custodial parents, guardian or responsible relative of the information set forth in Utah Code 62A-4a-202.2. This notice should include the written information prepared by the Utah Attorney General. Such efforts to provide this notification should be documented in the related report.

330.6.2 SAFE HAVEN LAW

A birth parent may leave a healthy newborn age 72 hours or less at any Utah hospital or fire station that is open 24 hours. Fire personnel shall provide any necessary emergency medical care and relinquish the infant to a hospital as soon as possible. The hospital is responsible for contacting DCFS within 24 hours of receiving the infant and DCFS assumes legal custody of the infant (Utah Code 62A-4a-802).

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

330.7.3 INTERVIEWS OF CHILDREN IN STATE CUSTODY

Officers should not interview a child who is in the custody of DCFS without the consent of the child's guardian ad litem. If a guardian ad litem has not been appointed, consent may be given by DCFS (Utah Code 62A-4a-415).

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Narcotics Section Supervisor should:

(a) Work with professionals from the appropriate agencies to develop procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Narcotics Section Supervisor that the officer has responded to a drug lab or other narcotics crime

scene where a child is present or where evidence indicates that a child lives there.

330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate.

(b) Notify the Division of Child and Family Services (DCFS) Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Utah requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy (Utah Code 63G-2-301 et seq.; Utah Code 62A-4a-412).

330.10.2 RETENTION REQUIREMENTS

Recordings of any interview of a child during the investigation of an allegation of any sexual abuse of the child shall be retained for 18 years following the date of the last recording, unless the prosecuting attorney requests in writing that the recording be retained for an additional period of time.

330.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

332 - Missing Person Reporting and Missing Child Procedures

332.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing or endangered persons. The Department will not require any reporting party to wait any period of time before reporting that a person is missing.

The Department will institute or assist with appropriate search and investigative procedures and maintain close liaison with Bureau of Criminal Identification (BCI) and or the National Center for Missing and Exploited Children for the exchange of information and technical assistance in missing children cases (42 USC 5780(1)).

332.1.1 DEFINITIONS

Endangered person - A person missing under unexplained or suspicious circumstances believed to be in danger because of age, health, mental or physical disability, environment or weather conditions, or who may be in the company of a potentially dangerous person, or any other factor that may put the person in danger.

Missing - A person who is abducted by a stranger or acquaintance; is abducted by a parent or relative due to custody disputes or who has run away, become lost, or has been abandoned by the lawful custodian or parent.

Missing child - Any person under the age of 18 years who is missing from his/her home environment or a temporary placement facility for any reason, and whose location cannot be determined by the person responsible for the child's care (Utah Code 53-10-102(15)).

Missing person - A person who is missing from his/her home environment and is physically or mentally disabled; missing under circumstances that indicate that the person is endangered, missing involuntarily or a victim of a catastrophe (Utah Code 26-2-27(1)(c)).

332.2 REPORT ACCEPTANCE

It is the policy of the West Valley City Police Department to thoroughly investigate ALL reports of missing persons. This agency holds that every child under the age of fourteen (14) reported as missing will be considered "at risk" until significant information to the contrary is confirmed.

There is no required waiting period for reporting a missing person. A person may be reported as missing when his/her whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.

Members should conduct the investigation as quickly as possible in order to determine if an abduction has occurred. If an abduction is suspected the Department’s Child Abduction Response Team (CART) Commander should be immediately notified (See Policy 333, Child Abduction Response Team).

Jurisdictional conflicts are to be avoided when a missing person case is being reported. If the missing person either resides in or was last seen in this city, this agency will initiate the required investigation process. If a missing person resides in this city and was last seen in another jurisdiction, but the law enforcement agency covering that jurisdiction chooses not to take a missing person report, this agency will assume the investigative responsibility.

Questions concerning legal custody of a child will occasionally arise in relation to missing children cases and custodial disputes. Since safety of the missing child (children) is paramount, it will be the policy of this agency to immediately initiate an investigation of a missing child when the child has been reported as removed or is missing without explanation from his/her usual residence, day care facility or school regardless if custody has not been formally established.

In all cases involving suspicious circumstances or a child under 16-years of age, the handling employee shall ensure that the Watch Commander and appropriate Investigations Section supervisor shall be notified.

This agency and its' members will comply with U.S Code Title 42 Chapter 72 Sub Chapter IV § 5780 July 24, 2003, which requires that all reported missing person(s) under the age of twenty one (21) will be entered on NCIC within two (2) hours of receiving the report.

The Major Case Response Team is responsible for the investigation and follow-up of all missing person cases regardless of age. The assigned detective shall make follow-up contact with the reporting person(s).

The Juvenile Unit is responsible for the investigation and follow-up of all juvenile runaway cases.

332.2.1 INVESTIGATION DILIGENCE

Members of the Department shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. The required actions include the following:

(a) Make an assessment of reasonable steps to be taken to locate the person.

(b) If the missing person is under 18 years of age, or there is evidence the person is endangered, the Department shall broadcast over the radio an "attempt to locate" transmission without delay within this jurisdiction.

(c) The missing person's family members should be given the Utah Missing Person Hotline phone number (888-770-6477) and informed that the missing person's information may be posted on the Utah Department of Public Safety website by visiting the website and completing the Missing Person Waiver form (http://publicsafety.utah.gov/bci/missingpersons.html).

Family members should also be advised that the National Center for Missing and Exploited Children may be contacted for regular follow-up. The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken. However, Department members may assist in the investigation of a person who was last seen

in this jurisdiction.

Investigating officers may contact the Department of Corrections for assistance when a kidnapping or sex-related crime is suspected. The Department of Corrections is required to operate a system to collect, analyze, maintain and disseminate offender information and assist in these investigations.

332.3 PROCEDURES FOR MISSING ADULT INVESTIGATIONS

Initial Reporting Officer Responsibilities:

(a) Every effort should be made to respond and make "in person" contact with the individual making the report.

(b) Establish relationship of reporting individual and conduct an interview (record if possible).

(c) Obtain a physical description of the missing person including:

1. Age
2. Race
3. Height/weight
4. Hair Color/Length
5. Eye Color
6. Identifying marks
7. Scars
8. Tattoos/Piercings
9. Glasses
10. Clothing

(d) Identify the date, time and location of when last seen and by whom.

(e) Determine if the missing person has access to vehicle and obtain vehicle description including year, make, model, color, and vehicle owner.

(f) Determine place of employment of missing person.

(g) Identify if the missing person has cash or financial transaction cards available and what financial institution the missing person uses.

(h) Identify known medical and or mental health conditions including prescriptions.

(i) Attempt to identify or establish a possible reason for the disappearance, i.e. suicidal, money problems, marital problems, employment issues etc. and whether or not the missing person has done this before.

(j) Identify immediate family, relatives and friends including names, addresses, and phone numbers.

(k) Identify cell phones, alternate phone numbers, email accounts and social media sites used by missing person including account information.

(l) Have the reporting party complete and sign a written statement regarding this incident.

(m) Check the location the missing person was last seen. If this location is not the missing

person's primary residence respond there as well. Be cognizant of potential evidence and crime scene. Determine if there are items missing, notes left at the scene, or evidence of a crime.

(n) Attempt contact with missing person by leaving voice message on cell phones, work phone locations and residence locations.

(o) Attempt contact with family members, relatives, friends and co-workers informing them of the missing person investigation.

(p) Contact employer (if possible) and determine date and time last at work, known problems, and inform of missing person investigation.

(q) Notify your immediate supervisor and provide them with an update on the investigation. If contact has not been established with the missing person by this time, request your supervisor notifies an on-duty detective or, if outside normal business hours an on-call detective.

(r) Review case with an on-call detective. Determine if the missing person should be listed on NCIC, what Attempt to Locates (ATLs) should be broadcasted, activation of an Endangered Person Advisory, and what further investigative tasks need completion.

(s) Complete any further investigation requests from the on-call detective.

(t) If the missing adult is located contact in person and verify identification (NCIC removal if applicable). If the missing adult does not wish his or her whereabouts known to the reporting individual do not disclose this information and note in supplemental report.

(u) Complete report by end of shift, leave case active if missing person not located and ensure case is in a priority packet.

332.3.1 SEARCHES AND INVESTIGATIVE FOLLOW UP

A search may be organized if the investigation shows a reasonable likelihood the missing person may be at a specific location or general area. Officers may utilize additional search personnel depending on the size of the area to be searched. If a search is conducted, a systematic approach should be used, and search personnel should be assigned specific search tasks. Search personnel should also document areas searched, and any citizens contacted. If the missing person is not found, and after reasonable search efforts are exhausted, investigators should evaluate any additional information when deciding whether to continue, expand, scale back, or stop the search.

If the person is not located by the initial officer, the case will remain active and will be assigned to a detective. The detective will continue the investigation, attempting to develop new leads and following up on all existing leads. He/she will keep the complainant(s) and/or family informed of the progress of the investigation. The case will remain active until the missing adult is located.

332.3.2 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the West Valley City Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Section shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen (Utah Code 53-10-204).

332.3.3 NOTIFICATIONS

When a missing person is under the age of 21 years, Records Section personnel shall send a notification to the Department of Justice and the National Crime Information Center within two hours after accepting the report (42 U.S.C. § 5779(a) and 42 U.S.C. § 5780(3)).

When the missing person is under the age of 18 years, Records Section personnel shall send a notification to Utah Bureau of Criminal Identification (BCI) and the National Crime Information Center within two hours after receiving the report (42 U.S.C. § 5780).

332.3.4 MISSING MORE THAN 45 DAYS

If a person is still missing after 45 days, the detective should check with the appropriate medical examiner. The assigned detective should verify and update the required missing person databases, in accordance with 42 USC § 5780(4)(a), within 45 days of the original entry of the missing person and 45 days thereafter until the missing person is located. The initial follow-up entry shall not exceed 60 days from the date of original entry.

The assigned detective must also make reasonable efforts to locate the missing person and document these efforts with a supplemental report at least every 45 days. These reasonable efforts will include maintaining a close liaison with the National Center for Missing and Exploited Children if the missing person is under the age of 21.

332.4 PROCEDURES FOR MISSING CHILD INVESTIGATIONS

Initial Reporting Officer Responsibilities:

(a) Unless acting in direct response to the child's safety, respond directly and promptly to the individual who made the initial report.

(b) If the reported missing child is ten (10) years of age or younger a second patrol unit should be dispatched when available.

(c) Regardless of any search that may have been conducted by parents or others, the assigned officer(s) will conduct a consensual search of the house, building, vehicles and or grounds where the child was last reported observed, to include areas where the child could be hiding, trapped or asleep. A written consent form should be presented to and completed by the property owner. If the search is based on consent, the officer(s) conducting the search must allow parents, family, friends or others to search without an officer being present.

(d) Conduct initial interview(s) with parent(s) or with other person(s) making the initial report (record if possible) and obtain information surrounding the circumstances of the disappearance and gather information needed to conduct an initial assessment of the case.

(e) Obtain a detailed physical description of the missing child including:

1. Age
2. Race
3. Height/Weight
4. Hair Color/Style/Length

5. Eye Color
6. Scars/Marks
7. Tattoos/Piercings
8. Glasses
9. Clothing
10. Medical conditions/medications

(f) Identify when, where and by whom the child was last seen and conduct an initial interview (record if possible) of those who last saw the child if they are not the parent(s).

(g) Secure and safeguard the incident scene or place last seen as a potential crime scene. Identify areas that have been disrupted since the child's disappearance. Ensure that no one tampers with potential evidence and instruct parent(s) or reporting person(s) the importance of not disrupting the scene.

(h) Obtain recent photographs and or video of the missing child.

(i) Confirm the child's custody status, whether a custody dispute or similar problems exist between the parents, whether a protective or other court orders exist, or whether the child has expressed an interest of living with the non-custodial parent.

(j) If the child was abducted, obtain description of abductors if available, the mode of travel, vehicle description and related information. Separate all witnesses (if any) to the event.

(k) Encourage the parent(s) or witness(s) not to leave the scene.

(l) Notify VECC and provide updated description information on missing child and suspects (if applicable). Determine correct NCIC missing person file category (disability, endangered, involuntary, juvenile, or catastrophe) and have VECC enter missing child on NCIC immediately. Receive operator number and time actually entered.

(m) If child has not been located upon your arrival on scene and you confirmed the child is missing, you must notify the on duty patrol supervisor or Watch Commander.

(n) Identify known area hazards (e.g., canals, rivers, construction sites, vacant buildings, sex offenders in area, etc.)

(o) With a supervisor's approval, consider A.C.I.M. activation, endangered person(s) advisory, Amber Alert, WVCPD CART and additional patrol resources.

(p) Prepare a chronological briefing of the incident and your actions for arriving supervisor(s) and detective(s).

(q) Remain at the scene unless directed by supervisor or case detective.

(r) Complete report before end of shift, leave case active if missing child not located and place in a priority packet.

332.4.1 RESPONSIBILITIES OF THE CALL TAKER

A call taker who receives the report of a missing child is responsible for ensuring that appropriate information is collected to assist the responding officer. This includes, but is not limited to the following:

(a) Determine if the circumstances of the report meet the definition of a missing child in § 332.1.1.

(b) Prioritized the call based on the factors determining unusual circumstances and dispatch officers accordingly.

(c) Collect essential information from the caller to transmit appropriate radio alerts providing descriptive information about the child, where the child was last seen, and any information concerning potential abductors and their means and direction of travel.

(d) Inform the parent or guardian that they should not disturb or tamper with the home, school, or location where the child might have been or any of the child's belongings.

(e) Where possible and appropriate, search agency records for information that may facilitate the search and investigation. This may include records of incidents reported in the vicinity that may have some bearing on the case including but not limited to:

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 are designated as sexual predators or convicted sex offenders.
3. History of household abuse or domestic violence calls.
4. Criminal histories of family members or others at the child's home address.
5. Runaway reports on the child or other siblings.
6. Juvenile delinquency reports on the child or siblings.

(f) Safeguard all pertinent records for future investigative reference, to include communications related to the incident, written notes, radio broadcasts, and all subsequent notifications.

(g) Where unusual circumstances exist, issue a radio alert to all agency personnel and enter an alert on the statewide telecommunications system.

(h) Ask the parents to stay in place until personnel arrive.

332.4.2 PATROL SUPERVISOR RESPONSIBILITY

Patrol Supervisor Responsibilities

(a) Respond to the scene, obtain a briefing from initial reporting officer and determine the scope and complexity of case.

(b) Ensure the initial reporting officer responsibilities, as outlined in the foregoing section, have been properly and completely accomplished.

(c) If the child has not been located within (30) thirty minutes of the initial reporting officer's arrival the on-duty or on-call detective should be notified.

(d) Determine what additional patrol personnel or other resources are needed to assist in the investigation.

(e) The supervisor should quickly evaluate the area and establish a perimeter for potential canvas and search operations taking into consideration the demographics of the area (e.g., residential, apartment complex, rural). Recent history of similar cases that occurred locally has shown a necessity to control the immediate surrounding area as quickly as possible to restrict the movement of any potential suspects.

(f) Incident Command should be established quickly and the Incident Commander will direct all search activities until relieved. A "scribe" should be selected to document all activities.

(g) Determine what areas require an immediate search (e.g., hazard areas, neighbor's residences, vehicles, etc.) and assign minimum of two officers to each search.

(h) Make certain all personnel are using the appropriate CART forms to document their activities.

(i) Establish a perimeter on this incident which will include a location for a command post (this location should be near the scene) and establish a location for the media outside the perimeter and if possible out of view of police operations.

(j) Determine if the need to initiate A.C.I.M., Amber Alert, WVCPD CART exists.

(k) If abduction is confirmed, automatically initiate A.C.I.M. and call out WVCPD CART.

(l) An Amber Alert must meet required criteria but should be activated as quickly as possible. The WVCPD CART Commander will provide contact info for the Amber Alert and department Press Information Officer must be notified.

SCHOOL NOTIFICATION

Utah Code 53-10-203(3) requires the Utah Bureau of Criminal Identification (BCI) to notify the last-known school of the missing person. The school will "flag" a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records (Utah Code 53A-11-502). The field supervisor will also notify the Granite School

District Police and, if applicable, the school resource officer assigned to the missing child's school.

332.4.3 INVESTIGATION SECTION RESPONSIBILITIES

(a) Assigned Detective Responsibilities

1. Mandatory response to scene required if notified by patrol of missing child 10 years of age or younger.
2. Immediately notify on-call Sergeant of incident and response.
3. Obtain a briefing from initial responding officer and supervisor on scene.
4. Verify the accuracy of all descriptive information concerning the child, being alert to facts or statements that may conflict with those obtained by the initial officer and the supervisor on scene.
5. Determine what neighborhood canvasses and searches have been conducted by patrol and the current status. Obtain the information from those activities.
6. If crime scene located/determined contact Forensics and have them respond to scene.

7. Introduce yourself to the family as soon as possible and inform them of your assignment to the case. Provide them with a cell phone number to contact you.
8. Once additional detectives arrive conduct a second search of the premises. Make sure the consent to search form has been completed.
9. Ensure that all vehicles in the incident area have been documented and photographed.
10. Obtain background information on family and general history of family. Check criminal history, Spillman (West Valley Police Department Records Management System) (RMS) history, and DCFS history as soon as possible.
11. Obtain a list of contact info of all family members, friends, teachers, classmates, school counselors, church members, who may have had close personal interaction with the child and/or family.
12. Review initial interviews and conduct in-depth interviews (recorded) with all witnesses, friends or relatives of the missing child, teachers, classmates, or others who knew and/or routinely interacted with the child, placing particular emphasis on identifying any conflicting information offered by these or other individuals.
13. If the missing child has not been located within three (3) hours after being reported missing activation of the WVCPD CART will be considered. (See Policy § 333, Child Abduction Response Team)
14. If a person is missing under suspicious circumstances for more than 14 days, the handling detective shall immediately submit to the dentist, physician/surgeon or medical facility the signed request for dental or skeletal X-rays or both.
15. In all cases the handling detective may confer with the Medical Examiner and may submit reports including the dental/skeletal X-rays within 24 hours to the Department of Justice.
16. If a person is still missing after 45 days, the detective must check with the appropriate medical examiner(s) and send to the Department of Justice both Department of Justice forms and dental records; verify and update the record with any additional information; send along a photograph and note this information on Department of Justice Form SS-8568. If dental records are unobtainable, this should be noted on Department of Justice Form SS-8568. This must be completed no later than 60 days after the report was filed.

(b) Investigations Supervisor Responsibilities

1. If missing child is 14 years of age or younger a call out of additional detectives is required.
2. Notify Investigation Section Lieutenant.
3. Obtain briefing from assigned detective, patrol supervisor and incident commander. If the existing incident commander is relieved at this time a debriefing on all activities conducted will occur.
4. Determine if additional detective resources are necessary for interviews, crime scene(s), canvasses and searches.
5. Ensure the assigned detective responsibilities, as outlined in the foregoing

section, have been identified and are being accomplished.

6. Coordinate canvasses and search efforts with patrol supervisor and make sure identified hazard areas have been checked.
7. Prepare site for command post location.
8. If CART is activated, transfer investigation operations to WVCPD CART upon CART Commander arrival.

332.4.4 PROCEDURES FOR RUNAWAY INVESTIGATIONS

(a) Initial Reporting Officer Responsibilities

1. Runaway reports will not be taken by phone. The initial reporting officer will respond to the parent(s) or reporting person(s) location. If contacting the reporting person in person is not feasible, the report may be taken telephonically with a supervisor's approval.
2. Establish relationship of reporting individual and conduct an interview (record if possible).
3. Obtain a physical description of the runaway including:
   (a) Age
   (b) Race
   (c) Height/Weight
   (d) Hair color/Style/Length
   (e) Eye color
   (f) Scars/Marks
   (g) Tattoos/Piercings
   (h) Glasses
   (i) Medical conditions/medications
   (j) Clothing
4. Identify the date, time and location of when last seen and by whom.
5. Determine if the runaway has access to vehicle and obtain vehicle description including year, make, model, color, and vehicle owner.
6. Determine the place of employment of the runaway if applicable.
7. Identify if the runaway has cash or financial transaction cards available and what financial institution the missing person uses.
8. Identify known medical and or mental health conditions including prescriptions.
9. Attempt to identify or establish a possible reason for the disappearance, i.e. suicidal, money problems, school problems, employment issues etc. and whether or not the runaway has done this before.
10. Identify immediate family, relatives and friends including names, addresses, and phone numbers.
11. Identify cell phones, alternate phone numbers, email accounts and social media

sites used by the runaway including account information.

12. Determine if the child has a cell phone, identify the carrier and request VECC to contact the carrier and "ping" the phone (if possible) to determine location.
13. Have the reporting party complete and sign a written statement regarding this incident. Include in the statement what the reporting party wants done with the child when located (e.g., take to youth services, return to parents, etc.)
14. Check the location the runaway was last seen. If this location is not the runaway's primary residence respond there as well. Be cognizant of potential evidence and crime scene. Determine if there are items missing, notes left at the scene, or evidence of a crime.
15. Within (2) hours of receiving the report the runaway must be listed on NCIC by VECC. Obtain VECC operator number, NCIC number for the runaway and time listed.
16. Check Juvenile criminal history and Spillman (RMS) history on the runaway.
17. If there are immediate leads that can be followed up on, the initial reporting officer will attempt to locate the runaway.
18. If "at risk" circumstances are identified notify the patrol supervisor and request a detective to respond in person.
19. Complete any follow up requests from the detective.
20. Complete report by end of shift, leave case active and place in a priority packet.

(b) Investigations Section Responsibilities

1. The on-duty or on-call detective will respond in person to all runaways with "at risk" circumstances and will be required to notify the on-call Investigations Supervisor who will determine what additional response will be required.
2. The Investigations Supervisor will notify the Investigation Section Lieutenant of all "at risk" runaway cases immediately.
3. The assigned detective will contact the parents within two (2) working days of receiving the case. Any leads will be followed up and the detective will keep in contact with the complainant at least once a week documenting the contact with supplemental reports in Spillman (RMS).
4. If the detective determines the reason for the runaway was because of victimization or other criminal activity against the child the detective will initiate a new criminal investigation regarding these allegations.

332.5 NOTIFICATION AND DOCUMENTATION RESPONSIBILITIES

The following procedures shall be completed based upon the type of missing person:

(a) Missing child under 21 years:

1. Place entry into DPS/NCIC within 2 hours
2. Send BOLO teletype without delay
3. Check with the Medical Examiner Office within 24 hours

4. Complete and send the Utah Missing Person Clearinghouse waiver within 24 hours
5. Obtain and send dental x-rays to the Utah Missing Person Clearinghouse within 24 hours
6. Obtain and send a recent photograph of the missing child to Utah DOJ and to the Utah Missing Person Clearinghouse within 24 hours

(b) Missing endangered person:

1. Place entry into DPS/NCIC without delay
2. Send BOLO teletype without delay
3. Promptly initiate an Endangered Missing Person Advisory if appropriate and the criteria and is met
4. Check with the Medical Examiner Office immediately after 45 days missing
5. Obtain and send dental x-rays to the Utah Missing Person Clearinghouse after 45 days missing

(c) Missing adult 21 years or older:

1. Place entry into DPS/NCIC within 4 hours
2. Send BOLO teletype without delay
3. Check with the Medical Examiner Office immediately after 45 days missing
4. Obtain and send dental x-rays to the Utah Missing Person Clearinghouse after 45 days missing

332.6 A CHILD IS MISSING (A.C.I.M.) PROCEDURE AND CRITERIA

(a) Criteria for issuing A.C.I.M. Alert:

1. The missing person is
   (a) A juvenile under the age of (18), is a not a habitual runaway and the complainant is an adult family member, teacher or another adult responsible for the juvenile.
   (b) An adult who is sixty-five (65) years of age or older, suffers from Alzheimer's disease/dementia and/or the circumstances surrounding the disappearance is out the ordinary for the elderly citizen.
   (c) A disabled person (mentally/physically challenged) at any age whose impairment severely limits self care, or the person is disoriented or unable to respond to simple questions regarding personal information or the person is dependent on life saving medication.
2. A.C.I.M. activation for missing person(s) that do not meet the above will require supervisor approval.
3. A.C.I.M. activation can occur at any time, but should only be used between the hours of 0700-2400 unless emergency circumstances exist.

(b) Issuing the A.C.I.M. Alert

1. The decision to activate A.C.I.M. can be made by the initial reporting officer assigned to the call but the officer is required to notify his/her supervisor and dispatch supervisor of the pending A.C.I.M. activation.
2. In most circumstances the dispatch supervisor will provide the best phone number to the initial reporting officer to give to A.C.I.M. for the general public to call regarding information and/or possible sightings.
3. The initial reporting officer will call A.C.I.M. at: (a)

   (888) 875-2246,

   (b) (954) 763-1288,

   (c) Pager: (954) 492-4778
4. The initial reporting officer will provide the A.C.I.M. technician all requested information which will include

   (a) Identifying the reporting agency.

   (b) Officer's name and contact number.

   (c) WVCPD case number.

   (d) Name and description of missing person(s).

   (e) Location last seen, zip code, County and search area.

   (f) Time and date last seen.

   (g) Police Dept. number for citizens to report sightings.

   (h) Any other requested information.
5. Once the alert has been broadcast, the department PIO should be notified for media calls.

Investigation of Sightings/Leads

The supervisor on scene should have adequate personnel assigned to respond to and investigate sightings and or lead calls received by dispatch. If a sighting is confirmed but the missing person is not located the initial officer and or supervisor should consider using A.C.I.M. again using the most recent location in the notification.

Follow-Up

If the missing person is located the initial reporting officer will complete and fax the A.C.I.M. case follow up form as requested.

If the missing person is not found within twenty four (24) hours, the initial reporting officer will complete and fax the A.C.I.M. follow up form noting in the area title, "Any Other Comments" that the missing person has not been located.

333 – Child Abduction Response Team (CART)

333.1 PURPOSE AND SCOPE

This policy describes the procedure for the organization, activation and implementation of the West Valley City Policy Department Child Abduction Response Team (CART). The purpose of the CART organization is to facilitate a large scale missing child investigation, where the child is not believed to be a runaway and is believed to be in danger.

The Department will consider a CART activation anytime an incident rises to the level indicated within this policy. The Department will work with the Utah State CART when additional resources are required.

333.2 CART ORGANIZATION

The CART organization chart follows the Incident Command System and is comprised of the following:

(a) **CART Commander**

1. Incident Commander
2. Responsible for the overall supervision of team and operations.
3. Coordinates efforts with outside agencies.
4. Reports directly to Deputy Chief of Police or Chief of Police.

(b) **Assistant CART Commander**

1. Second in command
2. Oversees general operations of the team providing updated information to the CART Commander.
3. Assumes Commander duties in the absence of the CART Commander.
4. Reports directly to CART Commander.

(c) **Public Information Officer**

1. Responsible for all media releases and contacts regarding incident.
2. Reports directly to CART Commander.

(d) **Investigations Supervisor**

1. Assigns case manager to the incident and responsible for the criminal investigation of incident to include but not limited to:
   (a) family interview(s),
   (b) witness interviews,

(c) suspect interviews,

(d) background investigations,

(e) search warrants,

(f) crime scene investigations,

(g) evidence gathering,

(h) leads investigations,

(i) composite drawings,

(j) use of investigative techniques and resources.

2. Reports directly to Assistant CART Commander.

(e) **Search Team Supervisor**

1. Responsible for overall search operations of incident to include but not limited to:

(a) law enforcement search personnel from WVCPD and outside agencies,

(b) K-9 search teams,

(c) specialized search and rescue teams,

(d) organizing volunteer search efforts,

(e) identifying search areas,

(f) mapping.

2. Reports directly to Assistant CART Commander.

(f) **Logistic Team Supervisor**

1. Responsible for providing services to the operation to include but not limited to:

(a) providing mobile command post,

(b) establishing command post,

(c) providing rest areas for both law enforcement and civilian volunteers,

(d) providing food and refreshments,

(e) specialized equipment (e.g., surveillance equipment, cameras, phones, GPS, audio/video, etc.),

(f) specialized vehicles (e.g. transport vans, ATV's, etc.).

2. Reports directly to Assistant CART Commander.

(g) **Leads Intake Supervisor**

1. Responsible for:

(a) setting up phone bank,

(b) manning phone bank,

(c) leads intake,

(d) leads management and research.

2. Provides leads to investigations.
3. Reports directly to Investigation Sections Supervisor.

(h) **Sex Offender Team Supervisor**

1. Responsible for identifying and locating registered and known sex offenders in a defined area.
2. Provides potential suspect info to investigations.
3. Reports directly to Investigation Sections Supervisor.

Additional team members will be selected and assigned to the above supervisors depending on current assignment, experience, and/or specialized training/skills.

All detectives assigned to the Special Operations Bureau will be assigned to the West Valley City CART team unless otherwise directed by the CART Commander or the Chief of Police.

333.3 CART ACTIVATION

(a) CART can be activated by any of the following personnel:

1. On scene case detective.
2. On scene patrol supervisor.
3. Detective supervisor.
4. Any member of command staff.

(b) The requesting detective or supervisor will contact the CART Commander or in his/her absence the Assistant CART Commander and provide the Commander with basic details of the incident and location of a staging area for team members. (The staging area should be near but not directly in front of the actual location of where the missing person was last observed). The CART Commander will contact the following personnel informing them of the CART response:

1. Assistant CART Commander.
2. Department PIO.
3. The appropriate Deputy Chief of Police.
4. Chief of Police.

(c) The Assistant CART Commander will contact the following CART personnel informing them of the activation and staging area location:

1. Investigations supervisor.
2. Search supervisor.
3. Logistics supervisor.
4. Traffic supervisor.

The team supervisors are responsible for notifying the team members assigned to them and informing them of the activation.

The investigations supervisor will notify the Leads Intake supervisor and Sex Offender Team supervisor of the activation.

333.4 CART - TEAM RESPONSE AND OPERATIONS

(a) TEAM RESPONSE

1. CART supervisors (excluding Leads Intake and Sex Offender Team Supervisor) will respond to the designated staging area and upon arriving check in with CART Commander or Assistant CART Commander.
2. The Leads Intake supervisor and assigned team members will respond to section and begin phone bank setup at the designated location. The Leads Intake supervisor will receive a briefing from the investigations supervisor.
3. The Sex Offender Team supervisor and assigned team members will respond to section and begin identifying sex offenders with in a three (3) mile radius of the incident location and within the postal service code. The Sex Offender supervisor will receive a briefing from the Investigation Sections supervisor.
4. After all Team supervisors have checked in, a briefing will be conducted which will include the initial reporting officer, assigned case detective, and patrol supervisor. This briefing should occur outside the presence of family members. At the conclusion of the briefing the transfer of incident command to the CART Commander will occur.

(b) TEAM OPERATIONS

1. A CART response has operational priority over department resources and equipment, including but not limited to:
   (a) special operations vehicles,
   (b) surveillance vehicles,
   (c) surveillance equipment and work areas (e.g., conference rooms, line up rooms)
2. The Logistics supervisor will
   (a) Respond to all requests for resources.
   (b) Identify resources as quickly as possible, IE:
      1. Command Post.
      2. Law enforcement rest area.
      3. Volunteer rest area.
      4. Volunteer staging area.
   (c) Immediately, upon arrival, address video surveillance of the incident area with the investigations supervisor.

(d) Provide a personnel schedule and any requests for additional personnel to the Assistant CART Commander.

(e) Need to make arrangements for appropriate food, water, and restroom facilities for all personnel involved in the operation.

3. The Search Team supervisor will

(a) Immediately determine the areas searched previously by patrol and detectives then develop a plan for searching the residences, buildings and vehicles within the immediate area of the incident.

(b) Provide Search Team members with appropriate CART forms and consent to search forms.

(c) Consider and decide the use of specialized search units such as bloodhounds, K-9, and search and rescue operations.

(d) Need to prepare for volunteers requesting to assist in the search process as the public becomes more aware of the incident through A.C.I.M., AMBER Alert, news reports and other sources.

1. Volunteer searchers if utilized will be assigned to search areas outside of the immediate incident area and limited to searching areas that allow access to the general public. The Search Team Supervisor will need to:

2. Prepare a staging area for volunteer searchers.

3. Create and initiate a screening process for volunteers.

4. Create rosters and assignments for volunteers. This will include but not limited to the following:

1. Application process (must have driver's license and over the age of 18).

2. Signing of liability waiver.

3. Background check through BCI.

4. Photographs

5. Team assignments.

6. Search assignments

(e) Provide a personnel and search schedule (night searches will require CART Command approval) and any additional requests for personnel to the Assistant CART Commander.

(f) Requests for transport vehicle, specialty vehicles or additional resources will go to the Logistics supervisor.

4. The Investigation Sections supervisor will:

(a) Contact the Leads Intake supervisor and Sex Offender Team supervisor and provide both with a briefing of the incident.

(b) Assign a case manager and assistant case manager.

(c) Establish an investigation plan with the following tasks assigned:

1. Family interviews.
2. Witness interviews.
3. Suspect interviews.
4. Scene search.
5. Crime scene processing.
6. Search warrants.
7. Evidence Collection.
8. Leads follow up.

(d) Coordinate efforts with the Leads Intake Team and ensure that all leads received will be assigned as quickly as possible based on priority.

(e) Provide the Assistant CART Commander with a personnel roster, schedule and requests for additional personnel.

5. The Leads Intake supervisor will:

(a) Assign law enforcement members to the phone bank and coordinate leads received via phone bank, dispatch and the investigation team.

(b) Assign received leads a number and prioritize, then enter them into a leads tracking system (e.g., F.B.I.'s Rapid Start, National Center for Missing and Exploited Children's (NCMEC) Simple Leads Management System).

(c) Forward leads that require investigation outside of the Salt Lake Valley to the appropriate law enforcement agency where the lead exists.

(d) Provide a schedule and request for additional resources to the Investigation Section Team supervisor.

6. The Sex Offender Team supervisor will:

(a) Prepare a list of all sex offenders initially within a three (3) mile radius from the incident scene.

(b) Assign team members to locate all offenders and complete a CART Sex Offender interview form.

(c) Provide a schedule and request for additional resources to the Investigation Section Team Supervisor.

(d) Evaluate whether the sex offender search should be expanded to a larger radius as soon as possible.

333.5 ADDITIONAL CART RESOURCES

CART Commander will contact the Utah State CART during the initial phase of the CART response and request response to the CART activation. The goal is to integrate Utah State CART personnel into key assignments within CART and provide additional resources to each team as soon as possible.

The CART Commander will consider all scheduling and additional personnel requests from Team supervisors and coordinate scheduling efforts with the Utah State CART. The CART Commander or designee should contact the traffic supervisor informing him of the CART activation and request assistance in controlling/securing the area in and around the scene including:

- Command Post
- Law enforcement rest area.
- Volunteer rest area.
- Volunteer staging area.
- Media area.
- Any other area requiring controlled access.

Any additional resources from outside agencies will require approval from the Chief of Police.

If the missing person is not found within twenty-four (24) hours, the initial reporting officer will complete and fax the A.C.I.M. follow up form noting in the area title, "Any Other Comments" that the missing person has not been located (See Policy § 332.6).

334 - Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the West Valley City Police Department should notify their supervisor, Watch Commander or Investigation Section Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

334.3.2 DEPARTMENTAL RESPONSIBILITY FOR CANCELLATION OF AMBER ALERTS

The supervisor leading the investigation team of the abduction will make the determination when to cancel an AMBER Alert.

Once the determination is made to cancel the AMBER Alert, the supervisor will notify the dispatch supervisor to make the request to cancel the AMBER Alert and dispatch will cancel the alert by using the UCJIS UAA transaction.

The investigation supervisor will request dispatch to send out an NLETS message to surrounding states informing them of the AMBER Alert cancellation.

Cancellation Notifications

The investigation supervisor will personally notify the following of the cancellation:

- Patrol Section Commander
- Detective Section Commander
- Department P.I.O.
- Deputy Chiefs of Police
- Chief of Police

334.3.3 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Section Commander and the Public Information Officer through the chain of command when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Section Commander

334.4 AMBER ALERTS

AMBER Alert is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement. The AMBER Alert Plan is tested every year on January 13th and August 26th.

The AMBER Alert does not preclude any law enforcement agency from utilizing or implementing in-house procedures, policies or practices.

334.4.1 CRITERIA

AMBER Alerts are not to be used for cases involving custodial disputes or runaways that do not meet the criteria. The Department may consider issuing an Endangered Missing Person Advisory to inform law enforcement and the public about cases that don't meet the criteria for an AMBER Alert.

The four criteria required for an AMBER Alert are as follows:

(a) A confirmed abduction.

(b) The child is 17-years of age or younger.

(c) There is evidence the child is in danger of serious bodily harm or death.

(d) There is sufficient information available to give out to the public that could assist in the safe recovery of the victim and/or the apprehension of a suspect.

334.4.2 PROCEDURE

(a) AMBER Alerts are initiated solely by Utah law enforcement agencies utilizing the Utah AMBER Alert Information Form and by meeting the guidelines set forth on that form. The

supervisor in charge of the investigation should ensure:

1. The Bureau of Criminal Identification (BCI) is contacted and informed an alert is about to be sent.
2. The Utah AMBER Alert Form is prepared using the Utah Criminal Justice Information System (UCJIS) in full (UAA message). A Field AMBER Alert

   Information Form is available on the Utah Attorney General Office website to help you gather information.
3. The information (plus photo if available) is entered in the National Crime Information Center (NCIC) using the AMBER Alert Flag (AA).
4. Hotline telephone banks are set up and staffed. Consider allocating additional resources from other law enforcement agencies.
5. A photograph of the abducted child and/or suspect is obtained and as soon as possible and emailed or faxed to Utah AMBER Alert.
6. A Public Information Officer is appointed to handle the press. Once the alert has been activated, media coverage can be overwhelming. The Public Information Officer should be updated constantly to utilize the media as much as possible and receive the maximum exposure for the case.

(b) The supervisor may also consider the following resources as the circumstances dictate:

1. The regional Child Abduction Response Team (CART).
2. The State of Utah CART.
3. Federal Bureau of Investigation (FBI Local Office).
4. Prompt entry of information into the Department of Justice Missing Person System (MUPS/NCIC).
5. National Center for Missing and Exploited Children.
6. Regional dispatchers may notify law enforcement agencies within their jurisdiction.
7. BCI can contact other states if an AMBER Alert needs to be broadcast outside of Utah. BCI can also provide training or training materials.
8. The Utah Public Information Officer Association can provide assistance.
9. A Child is Missing will contact residents and businesses in the area where the child was last seen by using an automated telephone system. The service is free.
10. Team Adam Provides experienced child abduction investigators, technical assistance and equipment for free of charge to agencies during child abduction and sexual exploitation investigations.
11. Project Alert Provides retired federal, state and local law enforcement officers who volunteer their time and expertise as unpaid consultants in missing or exploited child cases. All travel arrangements and costs are paid for by NCMEC.
12. Laura Recovery Center will help organize community ground searches. The non-profit organization offers its services for free.

(c) The supervisor shall ensure the assigned Public Information Officer is provided updates regarding the search and investigation, and notified immediately upon locating the abducted child.

334.5 BLUE ALERTS

334.5.1 CRITERIA

The four criteria required for a BLUE Alert are as follows:

(a) A law enforcement officer has been killed, seriously injured or assaulted with a deadly weapon by the suspect.

(b) The suspect is an imminent threat to the public and other law enforcement personnel.

(c) There is information available for the public about the suspect, the suspect's vehicle and vehicle tag.

(d) Public dissemination of available information will help avert further harm or accelerate apprehension of the suspect.

334.5.2 PROCEDURE

BLUE Alerts are initiated solely by Utah law enforcement agencies through UCJIS and by contacting the BCI.

In the event of an assault with a deadly weapon, serious bodily injury or death of an officer, the following procedures designed to alert the media shall be followed.

(a) The Public Information Officer, Watch Commander or Detective Supervisor will prepare an initial press release that includes all available information which might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle
2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and phone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call in with leads/information

(b) The press release should be sent to the local television and radio stations.

(c) The information in the press release should also be forwarded to the local emergency communications center so that general broadcasts can be made to local law enforcement agencies.

334.6 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a system to rapidly disseminate information about a missing and/or endangered person to law enforcement agencies and the media. The

Endangered Missing Person Advisory is a voluntary partnership between law enforcement and local broadcasters for notifying the public about a missing and endangered person. The advisories are initiated solely by Utah law enforcement agencies.

334.6.1 CRITERIA

The following criteria must be met to initiate an Endangered Missing Person Advisory:

(a) The person must be missing under unexplained or suspicious circumstances.

(b) The person is believed to be in danger because of age, health, mental or physical disability, environment or weather conditions, in the company of a potentially dangerous person or some other factor that may put the person in peril.

(c) There is information that could assist the public in the safe recovery of the missing person.

334.6.2 PROCEDURE

When the required criteria are met, the assigned detective should request that VECC activate an Endangered Missing Person Advisory by entering descriptive information and detective contact information into the appropriate UCJIS transaction and by contacting the Bureau of Criminal Identification. The assigned detective is responsible to ensure that information is entered into the National Crime Information Center (NCIC) database.

336 - Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

This policy and information on the West Valley City website pertaining to Victim Services are intended to inform the public and media about available victim/witness services, including victim's rights.

336.2 POLICY

The West Valley City Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the West Valley City Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts or refer victims to the Victim Services Office. This office provides advocate services for victims of violent crime, including crimes of domestic violence. They assist the West Valley City Police Department by providing education, information, resources, and encouragement to crime victims. By employing a "mobile team," advocates provide immediate crisis intervention by responding with officers when needed. Victim Services advocates assist crime victims on the telephone, in person, and in the advocate office. They inform the victim of his or her rights, give references and referrals to other agencies for victim assistance and explain the dynamics of domestic violence and other related information. Services also may include providing information on securing protective orders and helping to re-locate those expressing specific and credible reasons for fearing intimidation or further victimization.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written material or available victim resources. Confidentiality of the investigation will be maintained throughout the investigation of a case consistent with applicable law.

336.4 VICTIM INFORMATION

Department supervisors will ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) A clear explanation of relevant court orders and how they can be obtained.

(d) Information regarding available compensation for qualifying victims of crime.

(e) VINE® information (Victim Information and Notification Everyday), including the

telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(f) Resources available for victims of identity theft.

(g) A place for the officer's name, badge number and any applicable case or incident number.

(h) The specific information for victims of domestic violence as mandated by Utah Code § 77-36-2.5.

(i) Office of Crime Victim Reparations Program that offers financial assistance.

336.5 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential but will adhere to applicable law. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

336.6 FOLLOW-UP ASSISTANCE

During the follow-up investigation, victim/witness assistance services will include the following, if applicable:

(a) Re-contacting the victim/witness within a reasonable time to determine if further assistance is required, especially if the victimization has been severe and indicates the need for further assistance.

(b) Explaining to victim/witnesses the procedures involved in the prosecution of their case and their role, if applicable.

(c) Scheduling any line-ups, interviews, and any other assistance including arranging for transportation if needed.

(d) Returning victim/witness property, if available, and no longer needed as part of the investigation.

(e) A Victim Services advocate will remain available, as needed, during the follow-up investigation.

(f) Ensure that all necessary reports are forwarded to the prosecutor’s office, if required.

(g) Relevant information regarding the investigation, including arrest and post-arrest processing of the suspect, will be provided victim/witnesses if applicable and known by the Victim Services advocate.

338 - Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of the Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.1.1 FEDERAL JURISDICTION

The Federal Government also has the power to investigate and prosecute bias-motivated violence by providing the Justice Department with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (Title 18, USC, Section 245).

338.2 DEFINITIONS

Intimidate or Terrorize - Means an act which causes the person to fear for his physical safety or damages the property of that person or another. The act must be accompanied with the intent to cause or has the effect of causing a person to reasonably fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States (Utah Code 76-3-203.3(3)).

338.3 CRIMINAL STATUTES

Utah Code 76-3-203.3 (Penalty for Hate Crimes) and 76-3-203.4 (Hate Crimes - Aggravating Factors).

338.4 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of the Department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.

(g) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., possible Temporary Restraining Order through the District Attorney or City Attorney).

(h) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the county or state upon request.

338.5.1 INVESTIGATION SECTION RESPONSIBILITY

If a case is assigned to the Investigation Section, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate.

(b) Maintain contact with the victim(s) and other involved individuals as needed.

338.6 TRAINING

All members of the Department will receive training on hate crime recognition and investigation.

340 - Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning employee conduct. Employees are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or its supervisors.

This policy applies to all employees (full- and part-time), reserve officers and volunteers.

340.1.1 OBLIGATION TO ABIDE BY LAW

Employees shall obey all constitutional, criminal, and civil laws imposed on them as a member of the department and as a citizen of this state and country.

Any employee who is under investigation, arrested, charged or cited for, or pleads guilty to any criminal charge in any jurisdiction must notify their Bureau Chief or supervisor immediately. This policy does not apply to traffic citations EXCEPT for charges of driving under the influence, reckless driving, and hit and run.

Any employee who operates a City Vehicle and has their driver license suspended or revoked must notify their Bureau Chief or supervisor immediately.

340.2 EMPLOYEE DISCIPLINE

The continued employment of every employee of the Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to an act that may materially affect or impede the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position, or conduct that tends to disrupt or diminish the public's trust.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of the Department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient Department service.

340.3.1 ATTENDANCE

(a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

(d) Failure to notify the Department within one week of any change in residence address, home phone number or emergency contact.

340.3.2 CONDUCT

(a) Any conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement.

(b) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

(c) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.

(d) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(e) Engaging in potentially dangerous horseplay resulting in injury or property damage or the reasonable possibility thereof.

(f) Unauthorized possession of, loss of or damage to Department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.

(g) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.

(h) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(i) The use or dissemination of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department without the express authorization of the Chief of Police or a designee may result in discipline under this policy.

(j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of the Department or any other law enforcement agency.

(l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

340.3.2 DISCRIMINATION

(a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.3 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.

(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

340.3.4 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof. This includes spreading harmful rumors.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties, except for an occasional non-pecuniary gift having a value of not in excess of $50.00. Lawful subpoena fees and authorized work permits are also excepted.

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with it and be responsible for compliance with each of the policies.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.

(q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

(s) Offer or acceptance of a bribe or gratuity.

(t) Misappropriation or misuse of public funds.

(u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.

(y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

(z) Violating any misdemeanor or felony statute.

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming an employee of the Department or which is contrary to good order, efficiency or morale or which tends to reflect unfavorably upon the Department or its members.

(ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(ae) Any activity that does not cultivate a culture of mutual support and mentoring.

340.3.5 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Department facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating Department safety standards or safe working practices.

340.3.6 SECURITY/CONFIDENTIALITY

(a) Unauthorized, intentional release of information, materials, data, forms or reports that the employee knows or should have known are confidential.

340.3.7 SUPERVISION RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of the Department and the actions of all personnel comply with all laws.

(b) Failure of a supervisor to report in a timely manner the known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Policy § 1020, Personnel Complaints.

341 - Discipline

341.1 PURPOSE AND SCOPE

It is the policy of the West Valley City Police Department to be fundamentally fair and consistent in the application of discipline.

341.2 GENERAL

Misconduct is classified into broad categories of infractions based on progressive degrees of severity. The disciplinary matrix is therefore divided into categories of infractions of the rules and regulations.

Category “A” articulates the lowest level of infraction and will first be addressed as non-disciplinary, performance issues. All actions must be documented, but that does not necessarily require formal correspondence.

Infractions of category “B” or higher will be disciplinary matters subject to formal disciplinary penalties as outlined below.

Repeated infractions of any category may move an infraction to the next level.

341.3 DEFINITIONS

Matrix – A chart or table of categorized infractions, with corrective actions and penalties.

Category – The level in which infractions are classified.

Mitigating/Aggravating – A circumstance which supports the raising or lowering of the category level of an infraction.

341.4 DISCIPLINARY CATEGORIES

341.4.1 CATEGORY “A” VIOLATIONS

Category “A” violations are minor infractions and are not normally discipline matters.

Second and/or subsequent violations, within a 12 consecutive month period, may be handled as category “B” violations.

First at fault accident will result in counseling and other non-disciplinary action may be taken (e.g., training, administrative duties). Second and/or subsequent violations will be handled according to the Disciplinary Matrix, §341.5.

NOTE: Formal discipline may be initiated if the conduct was determined to be the result of a disregard for safety.

CORRECTIVE ACTIONS:
Non-disciplinary instruction including training and/or counseling.

341.4.2 CATEGORY "B" VIOLATIONS

Applies to the first occurrence of a violation listed under category "B" on the disciplinary matrix.

Subsequent violations of category "B" within 36 consecutive months may move a violation to category "C."

CORRECTIVE ACTIONS:
(a) Letter of reprimand.

(b) Disciplinary order of suspension of up to 20 hours loss of Paid Time Off (PTO and/or suspension.

341.4.3 CATEGORY "C" VIOLATIONS

Applies to the first occurrence of a violation listed under category "C" on the disciplinary matrix.

Subsequent violations of category "C" within 60 consecutive months may move a violation to category "D."

CORRECTIVE ACTIONS:
Disciplinary order of suspension of 21 to 40 hours loss of Paid Time Off (PTO) and/or suspension.

341.4.4 CATEGORY "D" VIOLATIONS

Applies to the first occurrence of a violation listed under category "D" on the disciplinary matrix.

Subsequent violations of category "D" may be moved to category "E."

CORRECTIVE ACTIONS:
Disciplinary order of suspension of 41 to 150 hours loss of Paid Time Off (PTO) and/or suspension.

341.4.5 CATEGORY "E" VIOLATIONS

Applies to the first occurrence of a violation listed under category "E" on the disciplinary matrix.

Subsequent violations of category "E" may be cause for termination.

CORRECTIVE ACTIONS:
Disciplinary order of suspension of 151 hours or more loss of Paid Time Off (PTO) and/or suspension and/or demotion or termination.

341.4.6 DISCIPLINARY ACTIONS OUTSIDE OF MATRIX GUIDELINES

In an effort to establish a consistent and just process in implementing disciplinary action, supervisors are to follow the disposition guidelines established in the Disciplinary Matrix, §341.5.

Nonetheless, there may be occasions when the breach of conduct, its impact and/or presence of mitigating factors warrant a corrective action that falls outside of the pre-identified recommendation. In those circumstances, a supervisor shall submit, in writing, to the Chief of Police, a detailed written explanation of the facts and/or circumstances involved justifying any deviation.

Any such request to deviate from the Disciplinary Matrix shall be made part of the final adjudication.

341.5 DISCIPLINARY MATRIX

BEHAVIOR	A	B	C	D	E
INSUBORDINATION (Policies 340.3.4, 1020.6, 1012.5.2)		✓			
RUDE, DISCOURTEOUS, OR INAPPROPRIATE COMMENT(S), BEHAVIOR OR GESTURES TO INCLUDE PROFANE OR OBSCENE LANGUAGE (Policy 104.1.2)	✓				
CONDUCT UNBECOMING		✓			
SEXUAL MISCONDUCT					✓
MISREPRESENTING FACTS					
ALL INTENTIONAL MISREPRESENTATION OR LYING ALLEGATIONS					✓
OFF DUTY VIOLATIONS					
FAILURE TO TAKE REASONABLY REQUIRED ACTION		✓			
KNOWINGLY ASSOCIATING WITH PERSONS OF QUESTIONABLE CHARACTER; PATRONIZING PLACES SUSPECTED OF VIOLATING THE LAW		✓			
INVOLVEMENTS WITH FRIENDS, ASSOCIATES OR RELATIVES WHEN PROHIBITED		✓			
FAILURE TO REPORT OFF DUTY INVOLVEMENT IN AN INCIDENT REQUIRING DEPARTMENTAL NOTIFICATION	✓				
SECONDARY EMPLOYMENT VIOLATIONS					
WORKING WITHOUT AUTHORIZATION; VIOLATION OF THE APPLICATION PROCESS	✓				
VIOLATING RESTRICTIONS OR PROHIBITIONS (LOCATION, HOURS, TYPE OF EMPLOYMENT)		✓			
WORKING SECONDARY EMPLOYMENT WHILE ABSENT FROM PRIMARY ASSIGNMENT DUE TO ILLNESS, ACCIDENT OR LIMITED DUTY		✓			
UNAUTHORIZED USE OF DEPARTMENTAL EQUIPMENT OR SERVICES		✓			
INAPPROPRIATE DISPLAY OF DEPARTMENTAL BADGE, LOGO, OR OTHER POLICE INSIGNIA AND/OR ISSUED EQUIPMENT		✓			
WORKING SECONDARY EMPLOYMENT DURING ON-DUTY HOURS					✓

PRISONER-RELATED VIOLATIONS	A	B	C	D	E
IMPROPER/UNAUTHORIZED SEARCHES		✓			
TRANSPORTATION OF PRISONER(S)		✓			
HANDLING/SECURITY OF PRISONER/ARRESTEE/DETAINEE		✓			
PRISONER PROPERTY HANDLING/PROCESSING		✓			
RESTRAINT VIOLATIONS		✓			
FAILURE TO PROVIDE REASONABLE AND DUE CARE		✓			
IMPROPER RELEASE OF PRISONER/ARRESTEE/DETAINEE		✓			
EVIDENCE & PROPERTY VIOLATIONS					
RECOVERY OF EVIDENCE		✓			
PRESERVATION OF CRIME/INCIDENT SCENE		✓			
RELATED TO THE HANDLING/RECEIPT OF EVIDENCE & PROPERTY (I.E. CHAIN OF CUSTODY		✓			
PROCESSING/TESTING OF EVIDENCE		✓			
RECOVERY OF FOUND AND/OR ABANDONED PROPERTY		✓			
STORAGE AND/OR RELEASE OF FOUND PROPERTY		✓			
HARRASSMENT & DISCRIMINATION					
SEXUAL/RACIAL/ETHNIC/RELIGIOUS/SEXUAL ORIENTATION					✓
HARRASSMENT/DISCRIMINATION					✓
ALL OTHER HARRASSMENT/DISCRIMINATION					✓
FIREARM/WEAPON VIOLATIONS (INCLUDES LESS-LETHAL WEAPONRY)					
DELIBERATE FIREARM/WEAPON DISCHARGE VIOLATION (ENDANGERING LIFE)					✓
DELIBERATE FIREARM/WEAPON DISCHARGE VIOLATION (NO LIFE ENDANGERMENT)				✓	
RECKLESS DISCHARGE AND/OR USE OF A FIREARM			✓		
NEGLIGENT OR ACCIDENTAL DISCHARGE OF A FIREARM/WEAPON		✓			
CARRYING UNAUTHORIZED FIREARM/WEAPON		✓			
FAILURE TO SECURE FIREARM/WEAPON (ON- OR OFF-DUTY)		✓			
CARRYING UNAUTHORIZED AMMUNITION (INCLUDES TYPE OR AMOUNT)		✓			
FAILURE TO PROPERLY MAINTAIN ISSUED/AUTHORIZED FIREARM/WEAPON	✓				
FAILURE TO REPORT DISCHARGE OF FIREARM/WEAPON				✓	
RECKLESS USE OF A LESS-LETHAL WEAPON			✓		
NEGLIGENT USE OF A LESS-LETHAL WEAPON		✓			

DEPARTMENTAL ACCIDENTS (AT FAULT)	A	B	C	D	E
FIRST “AT-FAULT” VEHICLE CRASH	✓				
SECOND "AT-FAULT" CRASH IN A 12-MONTH PERIOD		✓			
THIRD OR GREATER "AT-FAULT" CRASH IN A 36-MONTH PERIOD			✓		
DISREGARD OF SAFETY RESULTING IN AN ACCIDENT			✓		
FAILURE TO REPORT AN ACCIDENT					✓
EXCESSIVE USE OF FORCE OR RESPONSE TO RESISTANCE					
UNNECESSARY USE OF FORCE-DEFINED AS FORCE USED WHEN NOT REQUIRED IN LIGHT OF THE CIRCUMSTANCES BUT IS NOT EXCESSIVE		✓			
UNREASONABLE USE OF FORCE - DEFINED AS FORCE USED THAT IS OUTSIDE WHAT AN ORDINARY AND PRUDENT LAW ENFORCEMENT OFFICER WOULD USE			✓		
EXCESSIVE FORCE - DEFINED AS FORCE THAT IS EXCESSIVE IN SCOPE, DURATION, OR SEVERITY IN LIGHT OF THE CIRCUMSTANCES INVOLVED				✓	
EXCESSIVE FORCE RESULTING IN BODILY INJURY – DEFINED AS FORCE THAT IS EXCESSIVE IN SCOPE, DURATION, OR SEVERITY IN LIGHT OF THE CIRCUMSTANCES INVOLVED AND CAUSES BODILY INURY TO ANOTHER.					✓
NEGLECT					
FAILURE TO ASSIST/BACK-UP ANOTHER OFFICER WHILE ON-DUTY				✓	
FAILURE TO TAKE NECESSARY POLICE ACTION WHILE ON-DUTY		✓			
INVESTIGATION VIOLATIONS					
VIOLATIONS OF PROCEDURES FOR PRELIMINARY AND FOLLOW-UP INVESTIGATIONS		✓			
FAILURE TO SUBMIT OR FILE REQUIRED REPORTS	✓				
VIOLATION OF THE REPORT PREPARATION POLICY (POLICY § 344)	✓				
IMPROPER ARREST OR DETENTION		✓			
FAILURE TO MAKE REQUIRED ARREST			✓		
ACCURACY OF CHARGING DOCUMENT/WARRANT/AFFIDAVIT/TESTIMONY (NOT INCLUDING PERJURY OR INTENTIONAL MISREPRESENTATIONS)			✓		
IMPROPER PROCEDURES FOR AN INTERVIEW OR INTERROGATION		✓			
IMPROPER SEARCHES, SEIZURES, OR ENTRIES (NEGLIGENT)	✓				
IMPROPER SEARCHES, SEIZURES, OR ENTRIES (RECKLESS)		✓			
KNOWING OR MALICIOUS VIOLATION OF CONSTITUTIONAL RIGHTS					✓

SUPERVISORY VIOLATIONS	A	B	C	D	E
FAILURE TO TAKE APPROPRIATE ACTION/NEGLECT OF DUTY		✓			
FAILURE TO PERFORM ASSIGNED ADMINISTRATIVE DUTIES		✓			
FAILURE TO RESPOND TO SCENE WHEN REQUIRED OR PROVIDE APPROPRIATE INCIDENT SCENE SUPERVISION		✓			
FAILURE TO MAKE REQUIRED NOTIFICATION(S)	✓				
FAILURE TO CONDUCT A PROPER BOOKING APPROVAL		✓			
FAILURE TO MONITOR AND MAINTAIN PROPER PRISONER SAFEGUARDS AND HANDLING			✓		
FAILURE TO REVIEW AND PROPERLY ADMINISTER SEARCH OR ARREST WARRANTS, CHARGING STATEMENTS, AND/OR COURT DOCUMENTS AND ORDERS		✓			
IMPROPER OR EXCESSIVE DELEGATION OF ASSIGNED DUTIES		✓			
INFORMATION SECURITY VIOLATIONS					
IMPROPER OR UNAUTHORIZED DISSEMINATION OF INVESTIGATIVE INFORMATION				✓	
IMPROPER OR UNAUTHORIZED DISSEMINATION OF DEPARTMENTAL INFORMATION				✓	
MISCELLANEOUS VIOLATIONS					
VIOLATION OF THE BODY WORN CAMERA POLICY (POLICY § 343)	✓				
LEAVING ASSIGNMENT WITHOUT AUTHORIZATION		✓			
CHEATING ON TESTS, HOMEWORK, OR OTHER ASSIGNMENTS					✓
OBSTRUCTING OR HINDERING A CRIMINAL INVESTIGATION					✓
OBSTRUCTING OR HINDERING AN INTERNAL AFFAIRS OR ADMINISTRATIVE INVESTIGATION					✓
ABSENT WITHOUT AUTHORIZATION		✓			
FAILURE TO ATTEND MANDATORY DEPARTMENT TRAINING ON ANY AVAILABLE DATE/TIME OFFERED FOR THE TRAINING COURSE		✓			
FAILURE BY SUPERVISOR TO ENSURE ASSIGNED PERSONNEL ARE SCHEDULED TO ATTEND MANDATORY DEPARTMENT TRAINING ON ANY AVAILABLE DATE/TIME OFFERED FOR THE TRAINING COURSE		✓			
FAILURE TO APPEAR WHEN PROPERLY SUMMONSED	✓				
UNIFORM/IMPROPER DRESS VIOLATIONS	✓				
UNAUTHORIZED RIDE-ALONG		✓			
SLEEPING ON DUTY		✓			
FAILURE TO FOLLOW CHAIN OF COMMAND/OBTAIN SUPERVISORY APPROVAL	✓				
INTOXICATION/UNAUTHORIZED CONSUMPTION OF INTOXICATING SUBSTANCE ON DUTY					✓
FAILURE TO NOTIFY OF ADDRESS/CONTACT INFORMATION CHANGE	✓				

FAILURE TO ANSWER RADIO		✓			
ALL OTHER MISCELLANEOUS VIOLATIONS	✓				
CRIMINAL VIOLATIONS	**A**	**B**	**C**	**D**	**E**
ALL CRIMINAL VIOLATIONS WITH A PENALTY OF A CLASS B MISDEMEANOR OR HIGHER					✓
ALL OTHER NON-ARRESTABLE VIOLATIONS	✓				
VEHICLE OPERATIONS					
SPEEDING	✓				
VIOLATION OF PURSUIT POLICY (POLICY § 314)		✓			
RECKLESS DRIVING		✓			
VIOLATION OF VEHICLE TAKE HOME POLICY (POLICY § 706)	✓				
FAILURE TO PROPERLY MAINTAIN VEHICLE	✓				
CARE OF EQUIPMENT					
LOSS OR DAMAGE TO DEPARTMENT EQUIPMENT		✓			
ALLOWING UNAUTHORIZED USE OF DEPARTMENT EQUIPMENT		✓			

341.6 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

341.7 DISCIPLINE APPEALS PROCEDURE

In situations resulting in the imposition of a suspension, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to West Valley City Municipal Code, Title 3, Chapter 3-11.

341.8 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet Department standards, the employee shall have no right to appeal. Termination of a probationary employee for failure to pass probation shall be so reflected in the employee's personnel file.

342 - Department Computer Use

342.1 PURPOSE AND SCOPE

This policy describes the use of Department computers, software and systems.

342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy.

Computer System - Shall mean all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the West Valley City Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or **Permanent File** or **File -** Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, employees of the agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing in or

located in or on the system.

Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or related to the employee's duties, an alleged or suspected violation of a Department policy or a need to perform or provide a service or information when the employee is unavailable.

342.4 AGENCY PROPERTY

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE

Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

343 – Body Worn Cameras

343.1 PURPOSE AND SCOPE

The West Valley City Police Department has identified a need to equip its police officers with body worn cameras (BWC) as part of its continuing effort to improve transparency, protect its members from false frivolous claims, and increase efficiency. This policy is intended to provide officers with the instructions and guidelines on when and how to use BWCs so that their contacts with the public can be recorded reliably and in accordance with the law.

343.2 POLICY

It is the policy of this Department that selected sworn members will be issued a BWC to be utilized while engaged in the performance of their official duties. Members with BWCs shall be required to adhere to the mandates and practices outlined within this policy. All recordings are property of the Police Department and will be handled in strict adherence to this policy manual.

The captured data from the BWCs will be handled and stored through a web-based, digital storage facility.

This policy does not cover the use of in-vehicle cameras or the use of surreptitious recording devices used in undercover operations.

343. 3 DEFINITIONS

The following definitions relate to terms used within this policy.

Digital Camera - A body worn camera system that records digital video and audio which can be mounted in various configurations on an officer's person.

Controller - The control and function center of the camera system that enables the recording of video and houses the various operational modes.

Normal (Buffering) Mode - The mode of operation in which the camera captures a continuous 30 second loop of video but no audio.

Event (Record) Mode - The mode of operation in which the camera system captures the 30 seconds of buffered video and records both video and audio footage.

Media Storage - The on-line web-based media storage facility that stores digitally encrypted video and audio recordings from the camera systems. The data is accessible to authorized personnel and maintains an audit trail of all user activities.

Evidence Transfer Machine (ETM) - A docking station that facilitates the secure uploading of all data captured by the controller to media storage and simultaneously recharges the camera and controller systems.

Agency Administrator - An agency administrator has full access to and user rights within the media storage system. He or she can assign and track equipment, control passwords, delete non-evidentiary recordings according to policy and state law, conduct audits and quality control reviews, and act as a liaison with BWC representatives.

Axon Capture – An application designed for the use with smart phones in capturing evidence (videos, audio recordings, and photos) and uploading it into Evidence.com.

Axon Signal – A device placed in department vehicles to assist in activating the BWC system during light activation.

343.4 GENERAL PROCEDURES

Only those officers that have completed the Department-approved training on the policy, use and operation of the BWC system and the media storage system will be allowed to operate it.

Refresher training will occur annually and will be mandatory for anyone that is issued a BWC system or has access to the evidence storage systems known as Evidence.com.

The BWC system will be issued by the Training Unit to each individual officer and the unique identification number for each device will be recorded and tracked in Evidence.com. Only those BWC systems that are issued by the Department will be allowed to be used during the course of official police duties. This policy shall also apply to members issued a BWC while engaged in uniformed secondary employment that has been authorized and approved by the Department.

Each officer will be responsible for the care and maintenance of all issued BWC equipment and will inspect it before and after each shift for any physical damage or malfunctions. At the beginning of each shift, each officer will verify that the power is functioning on their BWC and controller by initiating the power button as well as depressing the battery test function button. This will ensure the operational readiness of the equipment so that it will most likely function properly when activated.

In the event that any damage occurs to the BWC or a malfunction occurs at the beginning, during, or end of a shift, the officer will notify his or her immediate Supervisor. A replacement device will be issued to the officer by the immediate Supervisor and notification will be made to the Professional Standards Lieutenant or Training Unit Sergeant of the circumstances. The Training Unit will then verify that the damaged or malfunctioning BWC is completely taken out of service and that the new BWC is properly assigned to the officer and functioning correctly in the media storage system. All damage not related to a manufacturing defect will be documented whether it was accidental or occurred during the course of the officer's regular assigned duties by a memo to the officer's immediate supervisor and forwarded through the chain of command.

The BWC system will be utilized by officers of this Department to record interactions with the general public in the following types of circumstances, but not limited to only these types of events:

(a) Citizen contacts.

(b) All arrests and investigative detentions.

(c) Traffic stops.

(d) Vehicle and foot pursuits.

(e) Response to resistance situations.

(f) All searches unless otherwise noted in this policy.

(g) Serving a warrant or conducting searches or seizures pursuant to a warrant or exception to the warrant requirement, regardless of whether a citizen is present during the search.

(h) Subject, victim or witness interviews unless otherwise directed.

(i) When advising an individual of their Miranda Rights.

(j) During interrogations and interviews.

(k) Any use of force.

(l) Any other contact that becomes adversarial.

An officer who is issued a BWC shall wear it so that it is clearly visible to the person being recorded. The BWC will only be worn utilizing the head-mounted options by means of eyeglasses, head-support mount, collar mount, epaulette mount, and vest mount when applicable. Any other applications or mounting options will be at the discretion of the Chief of Police.

The BWC camera system will be turned on at the beginning of the officer's shift and remain in the "Normal" or "Buffer" mode throughout the entire shift.

Whenever practicable, the officer shall position his or her BWC so as to optimize the recorded field of view.

Officers will activate the event or "Record" mode to record any of the above-mentioned interactions or events and any other situations or circumstances that the officer deems necessary and in accordance with this policy.

The BWC is to remain activated and in the "Event" mode throughout the entirety of an encounter or until the officer leaves the scene. This is to ensure the integrity of the recording and to document all actions taken by the officer as well as interactions with involved parties.

Officers may deactivate a BWC during a conversation with a sensitive victim of a crime, witness of a crime, or an individual who wishes to report or discuss criminal activity when the individual who is the subject of the recording requests that the officer deactivate the officer's BWC; and the officer believes that the value of the information outweighs the value of the potential recording. The request by the individual to deactivate the BWC must be recorded.

If an officer deactivates a BWC, the officer shall document the reason for deactivating a BWC in a written report.

Officers will document in their written reports the utilization of the BWC. They will attach the appropriate case number to each video utilizing the report management system syncing feature or by accessing the media storage system. When circumstances do not require a written report be taken but a recording has been made, the officer will indicate this by documenting it in the call notes in the Computer Aided Dispatching (CAD) system. The video recording is not a replacement for a written report, but rather a supplement thereto.

An officer shall report any malfunctioning equipment to his/her supervisor.

When a traffic citation is issued, the officer will indicate on the citation and in the call notes in the CAD system that a BWC was utilized.

343.5 UNAUTHORIZED MANIPULATION OF RECORDINGS PROHIBITED

Under no circumstances will the member edit or attempt to edit, alter, erase, delete, duplicate, copy, record, or distribute by any other means any recordings made with the BWC without the prior authorization and approval from the Chief of Police or his designee. All recordings are considered the property of the West Valley City Police Department and no personal use of the BWC will be permitted whether on or off duty.

Violations of the provisions of this policy shall be formally documented and may be grounds for disciplinary action.

343.6 REVIEW OF MEDIA

Officers may review their own video recordings to verify information or accuracy for their report. Data may also be viewed for purposes of courtroom testimony or for preparation pursuant to an administrative hearing.

Officers involved in any officer-involved critical incident will be permitted to review their own recording when requested.

(a) The on-scene supervisor of an officer-involved critical incident will ensure that the BWC is turned off and that Department policy is adhered to in regards to the preservation of any and all evidence. The BWC will remain in the possession of the involved officer until documented by the assigned investigative team.

(b) The data captured during an officer-involved critical incident by the BWC may only be viewed as directed by the commander of the investigative team; at times when exigent circumstances such as an injured officer and the need exists to identify the involved suspect; or with the approval of the Chief of Police.

Officers will not allow a citizen or other involved party, at any time, to review any part or portion of a BWC recording.

Supervisors will be authorized to review recordings in the field if it is deemed necessary to mitigate citizen complaints or when exigent circumstances exist.

Reviews and audits of recorded data will be randomly conducted by supervisors as well as the Professional Standards Lieutenant and Training Unit Sergeant for the purpose of ensuring that the equipment is functioning properly and that officers are using the device appropriately and in accordance with this policy.

An audit of five BWC recordings will be conducted at least twice annually by the Chief of Police or his designee to ensure that only authorized users are accessing the data for legitimate and approved purposes.

343.7 PART-TIME OR OUTSIDE EMPLOYMENT USE

Officers who have a BWC issued to them will utilize them at all part-time and outside employment which has been authorized and approved by the Department. Those officers who do not have a BWC issued to them are not required to have one, unless they are participating in a direct enforcement activity (ex: DUI shifts, fugitive apprehension or warrant services, seat belt enforcement or select traffic), employment that requires regular direct contact with the public (ex: USANA, Maverik Center, Utah Cultural Celebration Center, other festivals or public events), or any other activity or assignment for which the Chief of Police deems a BWC necessary.

Officers working a direct enforcement shift who do not have a BWC issued to them will check one out from the Investigations Section pool of BWC's. The officer will make sure that the BWC is working properly and that it has been correctly assigned to them through Sync. At the end of the shift the officer will download any recorded videos by placing it back on the docking station or utilizing the Sync upload feature. If there is not a BWC available for use, the officer will contact his immediate supervisor and/or the Planning & Research Section Lieutenant over secondary employment for approval.

The officer will be required to ensure that the BWC has sufficient time to download any recordings and charge prior to their next duty shift.

The only exceptions to this policy will be made by the Chief of Police.

343.8 PROHIBITED RECORDINGS

Body worn cameras will only be used in conjunction with official law enforcement duties and shall not be used for any personal reason. The following restrictions will apply when a BWC is used for recording purposes:

(a) Conversations with other Department employees not related to current investigations.

(b) Any encounters with undercover officers or confidential informants if recording could jeopardize their safety or an investigation.

(c) Anytime an officer is engaged in personal activities such as while on breaks or meals.

(d) Whenever an officer is in a private place such as in restrooms or locker rooms.

(e) Conversations between individuals where the officer is not a party to the conversations.

unless capture would be authorized by law.

(f) Individuals involved in a protest, picketing or exercising their First Amendment Right of protected speech will not be recorded in violation of the law. This does not restrict the recording of public demonstrations where the members are present to maintain order and ensure public safety.

343.9 TASK FORCES AND OUTSIDE AGENCY ASSIGNMENTS

The Department participates in numerous outside agency assignments and Task Forces where the use of a BWC might conflict with the rules, regulations, policies or practices of the Task Force or outside agency. In some instances, the use of recording devices of any kind may be prohibited. Administration is sensitive to these key relationships that have been developed with various agencies and will work in conjunction with them regarding the BWCs. Any discussions or agreements with outside agencies regarding BWCs will only take place through the Office of the Chief of Police.

343.10 MEDIA STORAGE AND RETENTION

Upon the completion of their shift, officers will place their assigned BWC camera and controller into the Evidence Transfer Manager (ETM) or docking station for charging purposes and uploading of recorded media. The media that is captured will only be uploaded to Evidence.com and will only be used for official purposes.

Any malfunction concerning the uploading or charging of the BWC shall be documented and then reported to the officer's supervisor prior to the completion of the officer's shift.

The supervisor will then notify the Professional Standards Lieutenant or Training Unit Sergeant of the malfunction by the end of his/her shift, so that the issue may be remedied as soon as possible. The Training Unit will maintain a list of all issues received, from whom, and when and how the issue was resolved.

(a) It should be noted that officers may encounter situations and circumstances while they are traveling to and from work for their assigned shifts. BWCs and subsequent video recordings may not be available under these circumstances.

To avoid potential interruption in the uploading process and possible corruption of the recorded data, the BWC system will not be removed from the docking station until the upload process has completed.

Only approved docking stations will be used to upload and recharge BWCs.

A case number will be attached to each recording and a video category must be selected by the officer to allow for proper retention.

Retention of all records will be maintained in accordance to federal, state and local laws and regulations. Once the legally mandated retention period has been reached for specific recordings, they will be purged from the system unless notice of evidence preservation has been given by

means of litigation hold requiring retention of the BWC data beyond the legal retention period.

343. 11 DELETION OF UNINTENTIONAL RECORDINGS

In the event there is an accidental or unintentional activation of the BWC where the recording has no investigative significance or purpose such as while driving in the vehicle or where a reasonable expectation of privacy exists (restroom, etc.); officers may request a recording deletion. The requesting officer must submit an email or Department memo to their immediate supervisor detailing the circumstances of the unintentional or accidental recording. The request will be sent up the chain of command to the Chief of Police for review. If approved, the action will require the Chief of Police or designee and another system administrator to facilitate the deletion.

343.12 MEDIA FILE REQUESTS (GRAMA REQUESTS)

It is the goal of the West Valley City Police Department to support and promote openness and transparency in an effort to maintain a strong relationship with the communities that we serve. Their trust is vital to our success and the overall wellbeing of our communities. All requests for recordings or GRAMA (Government Records Access and Management Act) requests will be accepted and processed in accordance with federal, state and local statutes and in accordance with Departmental policy. The release of recordings must also ensure that all rights to privacy of victims, witnesses and suspects is maintained whenever possible and that all efforts are made to ensure the integrity of an investigation is not compromised. Legitimate redactions and/or denials of requests may be made to ensure that this is accomplished. Classification of BWC recordings as private, protected or controlled will be made on a case by case basis and as allowed by state law (GRAMA).

All requests will be required to be made in writing and submitted to the Records Section for proper review and processing. In the event that the request is granted, the Records Section will help coordinate the retrieval of the recording and assist in facilitating the release.

This policy will not conflict or interfere with the release of recording pursuant to a court order or valid subpoena.

344 - Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as contents are not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

(a) In every instance where a felony or misdemeanor has occurred, the documentation shall take the form of a written report.

(b) In every case where any force is used against any person by police personnel.

(c) All incidents involving domestic violence.

(d) All arrests.

344.2.2 NONCRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any time an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms and Qualification Policy)

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)

(e) Any found property or found evidence

(f) Any traffic collision above the minimum reporting level (See Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy 360 § Death Investigations. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician or qualified hospice care in the 30 days preceding death).

(e) Found dead bodies or body parts.

(f) Attended deaths.

344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

If the injury or damage is significant, or may expose the City to potential liability, a supervisor should be notified. Supervisors notified of such events should consider requesting an investigation by an allied agency, notification of the Chief of Police via chain of command and involvement of City Risk Analyst assistance.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose.

(b) Attempted suicide.

(c) The injury is major/extreme, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.3 EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or report completions delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require block printing or typing of reports of any nature for Department consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form, by design, may require typing.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should contact the employee or his/her immediate supervisor stating the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT SUBMISSION, PROCESSING AND REVIEW

Upon completion, all reports shall be submitted through the Spillman Records Management System (RMS) for supervisory review and processing by the Records Section.

344.6 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

344.7 ACCREDITATION MAINTENANCE

The Accreditation Manager will maintain an updated CALEA Calendar that ensures that the periodic reports, reviews, and other activities mandated by applicable standards are accomplished. These activities will be reviewed during regular meetings between the Accreditation Manager and the Executive Director over the Support Services Bureau.

344.8 FORMS

The Chief of Police, Deputy Chief, or designee will approve all forms adopted by the Department for general use or for use within the respective sections as a standard format to record information. Bureau Commanders are responsible for all forms developed and used by their respective bureaus and will ensure that a new form does not duplicate an existing form. Bureau Commanders, or designee, will annually review and evaluate all forms to ensure they are up to date and remain a useful tool.

Any employee may make a request for a modification of a form. The request for modification should be submitted through the employee's chain of command and shall include the need and benefit of the modification. Master copies of all forms shall be maintained by the designee of the Chief of Police.

346 - News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Section Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following.

(a) At no time shall any employee of the Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.

(c) Under no circumstance should any member of the Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police.

(d) All media representatives will be treated with respect and courtesy at all times. The department's response to media requests will be made in a timely manner and in accordance to established state and federal guidelines (GRAMA).

346.2.2 SUPERVISORS RESPONSIBILITIES

The on duty Watch Commander, or the Section supervisor will be responsible for handling the media responsibilities at the initial scene. If the situation is a major incident (Homicide, Officer Involved Shooting, or Major disaster, etc.), the Chief of Police, Command Staff and the Public Information Officer shall be notified.

If an on duty Watch Commander is not available, the highest ranking on duty supervisor will be responsible for handling the media responsibilities and notifications.

During duty hours, the designated Public Information Officer will coordinate with the on duty Watch Commander or supervisor to disseminate information to the media.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media may be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department may maintain an information log of significant law enforcement activities that may be made available, upon request, to media representatives through the Public Information Officer. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this Department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Criminal history information may be released as provide in the Records Release and Security Policy, § 810.

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of the appropriate court.

Information concerning incidents involving certain sex crimes and other offenses shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of reports or additional information shall be referred to the designated Department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Government Records Access and Management Act.

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department (See §§ 810 and 1026). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Confidential peace officer personnel information including current and former personnel (Utah Code 63G-2-302, and 304).

1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Government Records Access and Management Act (GRAMA).

(b) Copies of certain official reports may be restricted pursuant to a court rule or a document described in Utah Codes 63G-2-302, 63G-2-304 and 63G-2-305.

1. The only information permitted to be given to the media regarding a traffic collision is:
   (a) The name, age, sex and city of residence of each person involved in the accident.
   (b) The make, model and year of each vehicle involved in the accident.
   (c) Whether or not each involved person was covered by vehicle insurance.
   (d) The location of the accident.
   (e) A description of the accident.

(c) Criminal History Record Information (CHRI) (Utah Code 53-10-107).

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(e) Information pertaining to pending litigation involving this Department (Utah Code 63G-2-305).

(f) Information obtained in confidence.

(g) The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure (Utah Code 63G-2-305).

(h) Any information that is otherwise privileged or restricted under state or federal law.

(i) Officers handling criminal incidents at any public school shall first confer with the principal or assistant principal of the school at which the incident has occurred. This is a courtesy that is extended to the school administrator to insure that he/she is briefed on the incident prior to the information being released. Officers shall comply with the department press policy and provide accurate information regardless of whether or not the information is agreeable to the school administrator.

(j) The existence or contents of any confession, admission, or statement given by the accused or the refusal or failure of the accused to make any statement.

(k) The performance of any examination/s or test/s of the accused, or the failure or refusal of the accused to submit to any examination/s or test/s.

(l) The identity, testimony, or credibility of any witness or prospective witness.

(m) Any opinion as to an accused person's guilt or innocence, and/or the merits of the case or evidence in the case including opinions on matters that must be proven in court.

(n) Evidence or police department crime scene photographs.

(o) Supplemental reports, witness statements, crime scene sketches, diagrams, or other investigative records.

346.4.2 PRESS PHOTOGRAPHS

Authorized agents of the press shall be allowed to take photographs of suspects, prisoners, incident and/or crime scenes under the following criteria:

(a) Photographs of all occurrences on public property may be taken.

(b) Photographs may be taken on private property with the consent of the owner.

(c) No person in custody, witness or suspect, will be required to pose for photographs unless they wish to participate only after having been informed of their right to refuse.

(d) All of the above can only be permitted if it does not interfere with the conduct of a police investigation taking place or with the rendering of assistance to injured persons.

346.4.3 OFFICER MISCONDUCT ALLEGATIONS

The Chief of Police, or his/her designate shall be the only representatives to issue press statements, or participate in interviews involving alleged officer misconduct against any West Valley City Police Department member. The Chief shall make the determination regarding the information to be released to the media.

346.4.4 PRESS CONFERENCES

All formal press conferences will be approved by the Chief of Police and administered by his/her approved designate. All news organizations will be invited to participate in the press conference and will be given advanced notice of the date, time, location and purpose of the conference.

346.4.5 SUPPORT PERSONNEL

Dispatch, records personnel or other support personnel, will not release any information on incidents other than required by law (GRAMA). Requests for information must be referred to the Public Information Officer or the Watch Commander.

346.4.6 ADMINISTRATIVE POLICY INQUIRIES

News Media inquiries concerning administrative policy matters of the department should be responded to by the Chief of Police, his/her designate, or the Public Information Officer.

346.4.7 PUBLIC INFORMATION OFFICER, DUTIES OF

The Chief of Police shall designate a Public Information Officer to serve as media spokesperson for the department. The duties of the Public Information Officer will include:

(a) Coordinate information with the West Valley City's Communication Director.

(b) Follow-up contacts and interviews with the news media.

(c) Written press releases.

(d) Conduct news conferences when applicable

(e) On scene spokesperson at major incidents.

(f) Other duties as assigned

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CALEA Standard(s): 22.1.6, 74.1.1, 74.1.2, and 74.2.1

348 - Court Appearance and Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested, and that they present a professional appearance (Utah Code §78B-1-130).

348.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him/her to not appear in court but to remain available by phone or pager, or the employee makes arrangements with the prosecuting attorney to remain available by phone or pager, so that he/she may be directed to appear in court within a half hour (30 minutes) if the employee is on-duty within the city, or within one hour if the employee is off-duty.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to appear in a timely manner in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this Department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SUBPOENAS FOR THE PRODUCTION OF RECORDS

Subpoenas for the production of records (duces tecum) shall be received by the City Recorder and distributed to the designated employees in each department/division responsible for the records requested.

348.2.2 SUBPOENAS FROM PROSECUTING AGENCIES

Subpoenas for criminal court appearance for prosecuting agencies shall be received, recorded and distributed as noted in subsection 348.2.3 below. Secretaries or subpoena clerks must make an attempt to notify off-duty employees at their residence if the employee will not be at work prior to the appearance date listed on the subpoena.

Any employee subpoenaed must take the subpoena to court at the time of the court appearance.

348.2.3 ACCEPTANCE OF SUBPOENAS FROM PROSECUTING AGENCIES

Subpoenas from the Salt Lake County District Attorney's Office will be received and served as follows:

(a) The Salt Lake County District Attorney's Office will send all subpoenas to the Department email account set up specifically for that purpose.

(b) The secretary assigned to coordinate all subpoena distribution will check the email account on at least a daily basis.

(c) The secretary will upload all subpoenas onto the PowerDMS software and assign the subpoena to the individual officer and that officer's supervisor.

(d) Officers will logon to the PowerDMS software at least one time on every shift they work and will sign for any subpoenas in their inbox.

(e) If unavailable, the assigned secretary will have an approved replacement assigned to handle all subpoena service requests.

Subpoenas from the West Valley City Prosecutor's Office will be received and served as follows:

(a) The West Valley City Prosecutor's Office will upload all subpoenas onto the PowerDMS software and assign the subpoena to the individual officer and that officer's supervisor.

(b) Officers will logon to the PowerDMS software at least one time on every shift they work and will sign for any subpoenas in their inbox.

(c) Officers will be responsible for printing hard copies of their subpoena if needed.

348.2.4 CIVIL SUBPOENAS AND OTHER LEGAL DOCUMENTS

With the exception of subpoenas for prosecuting agencies and records subpoenas, all West Valley City employees must be served legal documents in person. Such legal document include, but are not limited to, a Summons and Complaint in which the employee is named as a party to the action, a subpoena to appear in court, and an administrative subpoena. **The City Recorder, subpoena clerks and other employees not named on the legal document are not authorized to accept personal service of other legal documents on behalf of any employee**.

348.2.5 ACCEPTANCE OF CIVIL SUBPOENAS AND OTHER LEGAL DOCUMENTS

If a process server approaches any employee in order to serve legal documents upon another West Valley City employee, the approached employee:

(a) **will not** furnish the process server with any personal information about the identified employee, including but not limited to, home address and/or phone number;

(b) **will not** accept service of the documents on behalf of another employee;

(c) **will** tell the process server if the employee is not on duty or is otherwise unavailable.

(d) **will** provide the process server with the scheduled workdays and shift of the employee to be served;

(e) **will** have the department/division secretary or dispatch call the employee to come to the department/division office for the service to be made, if the employee is working and not busy.

In the event that the employee to be served is unavailable and the process server wants more information about the employee or demands that service be accepted, refer the process server to the City Attorney's Office.

Once an employee has been personally served with any legal document in connection with a job or City-related incident, lawsuit, investigation or claim, the employee should notify his/her supervisor and the City Attorney's office, as soon as possible after being served since often response time in legal proceedings are very short and require immediate attention.

348.2.6 REFUSAL OF SUBPOENA

(a) Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, as soon as possible before the appointed date and time, inform the applicable court or attorney of his/her absence or unavailability to appear.

(b) If, after initially accepting service of a subpoena, the subpoena clerk determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the subpoena clerk shall notify the server, the court, or the attorney named on the subpoena of such as soon as practicable.

348.2.7 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the court or attorney named on the subpoena. Employees are required to notify the Department within one week of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the court or attorney named on the subpoena of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the prosecutor handling the case is the only person authorized to excuse an employee from standby status.

348.2.8 COMPLIANCE WITH AND COMPENSATION FOR OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty that are not related to their employment with West Valley City Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated by the department for their appearance. Arrangements for time off should be coordinated through their immediate supervisor.

348.2.9 COMPENSATION FOR CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the policy governing

agency compensation. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

348.2.10 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions constituting contempt (Utah Code §78B-1-131).

348.2.11 NOTIFYING THE CITY ATTORNEY'S OFFICE OF VACATION TIME OFF

When an officer is unavailable for court due to scheduled leave time, the officer will submit an Unavailable for Court form to his/her supervisor. The supervisor will enter the dates the officer is unavailable on the Unavailable for Court calendar, which is accessible to both the City Attorney's Office and the District Attorney's Office.

This should alleviate problems with officers being subpoenaed for court appearances during times that they are unavailable due to scheduled time off. However, officers should be aware that placing the dates of their leave on this calendar does not guarantee that the officer will not be subpoenaed for court during those dates. If an officer receives a subpoena for a date for which he/she has leave scheduled, it is his/her responsibility to contact the prosecuting attorney to be excused from the subpoena. If not excused from the subpoena by the prosecuting attorney, the officer must appear or may be subject to discipline as well as court-imposed civil ad/or criminal sanctions constituting contempt (Utah Code 78B-1-131).

348.3 OVERTIME APPEARANCES

If the officer appeared during his/her off-duty time, the officer will be compensated in accordance with the policy regarding employee compensation.

The compensation for such appearance will be paid in the following manner. Any required appearance will be compensated with two (2) hours of court preparation time plus the total time the officer is required to appear in court. The Prosecuting Attorney shall sign the subpoena and note the time that the officer is released. The total appearance time will be based on the time listed as the appearance time on the subpoena until the time written on the subpoena by the Prosecuting Attorney that the officer was released.

When compensated with overtime or compensatory time for a court appearance, any witness fee collected by the officer for his/her appearance in court must be signed over and turned in to the Department.

Officers who do not have to appear because his/her appearance or subpoena is cancelled by the Court or Prosecuting Attorney are not entitled to compensation.

348.4 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.4.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.4.2 COURTROOM ATTIRE

Employees shall dress in uniform, Class A, B, C and soft uniform are acceptable, or business attire. Suitable business attire for men would consist of a coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks.

See uniform policy, Policy 1046 – Uniform Standards and Regulations.

348.5 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard. The employee shall remain in the courtroom or available for appearance until released by the court.

348.6 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the people of the State of Utah, any county, any city, or their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police and the appropriate prosecutor or attorney, as may be indicated by the case.

This includes, but is not limited to the following situations.

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matters.

350 - Reserve and Auxiliary Officers

350.1 PURPOSE AND SCOPE

The West Valley City Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels. For the purposes of this policy, "Reserve" includes reserve and auxiliary officers unless specifically described otherwise.

350.1.1 DEFINITIONS

Sworn - Means having taken the oath of office set forth in Utah Constitution Article IV, Section 10, administered by the law enforcement agency for which a peace officer works.

Reserve Officer - Means a sworn and certified peace officer, whether paid or voluntary, who:

(a) Is serving in a reserve capacity for a law enforcement agency that is part of or administered by the state or any of its political subdivisions.

(b) Meets the basic and in-service training requirements of the peace officer classification in which the officer will function (Utah Code 53-13-111(3)).

Auxiliary Officer - Means a sworn, certified, and supervised special function officer, as described by Utah Code 53-13-112 and is a specific category of special function officer required to have the level of training of a special function officer as provided in Utah Code 53-13-105, including no fewer than 40 hours per year of in-service training (Utah Code 53-13-101, 112).

Volunteer - Means an officer who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.

While on-duty - Means while an officer is actually performing the job duties and work activities assigned by the employing agency and for which the officer is trained and certified, and may include time spent outside those duties and activities if that additional time involves an activity that is an integral and necessary part of the job, and is spent for the benefit, and under the direction of, the employing agency (Utah Code 53-13-101(14)(a)). "While on-duty" does not include the time an officer spends commuting between home and place of employment unless that time involves an on-duty activity identified (Utah Code 53-13-101(14)(b)).

350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The West Valley City Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this Department.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as

regular police officers before appointment including any state and or POST requirements.

350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the City Recorder and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

The Department may utilize a sworn and certified peace officer in a reserve or auxiliary capacity (Utah Code 53-13-111(1)(a)).

350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

While serving as a non-paid volunteer in a reserve or auxiliary capacity, or working part-time for fewer hours than that which would qualify the officer as an "employee" under state or federal law, a peace officer is entitled to benefits in accordance with Utah Code, Title 67, Chapter 20, Volunteer Government Workers Act (Utah Code 53-13-111(2)).

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular officers.

350.3 DUTIES OF RESERVE AND AUXILIARY OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Section. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.

A reserve or auxiliary officer has peace officer authority only while engaged in the reserve or auxiliary activities authorized by the Chief of Police and shall only exercise that spectrum of peace officer authority that the Department is empowered to delegate and for which the officer has been trained and certified (Utah Code 53-13-111(1)(b)).

An auxiliary officer is limited to the role of back-up to a law enforcement officer and may not initiate any action authorized for a law enforcement officer. An auxiliary officer may be separated from a law enforcement officer only under exigent circumstances or when engaged in functions not exclusive to law enforcement (Utah Code 53-13-112).

An auxiliary officer may exercise that spectrum of peace officer authority that has been designated by statute to the Department, and only while on-duty, and not for the purpose of general law enforcement (Utah Code 53-13-105(2)(a)).

(a) An auxiliary officer may not exercise the authority of a peace officer until the officer has satisfactorily completed an approved basic training program for special function officers and has been certified by the Chief of Police.

350.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to every policy adopted by the Department. A copy of the Policy Manual will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

350.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

350.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

350.4 FIELD TRAINING

350.4.1 TRAINING OFFICERS

Officers of the Department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

350.4.2 PRIMARY TRAINING OFFICER

Upon completion of the academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from a pool of the current Field Training Officers (FTO). The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

350.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the West Valley City Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. The reserve officer shall also become proficient with those skills as set forth in the manual.

350.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, the reserve officer will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

350.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with the primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue toward the completion of the Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III.

350.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to the original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, the reserve officer will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, the reserve officer will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief from immediate supervision.

350.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer depending on their level of certification and number of hours with the Department.

Auxiliary officers shall work under the direction and immediate supervision of a certified law

enforcement officer as defined in Utah Code 53-13-103.

350.5.1 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

350.5.2 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

350.5.3 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of the Department.

350.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Internal Affairs and Inspections Bureau supervisor.

Reserve officers are considered at-will employees.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

350.5.5 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

350.6 FIREARMS REQUIREMENTS

350.6.1 CARRYING WEAPON ON-DUTY

Reserve officers may carry a loaded firearm while on-duty. It is the policy of the Department to allow reserves to carry firearms only while on-duty or to and from duty.

Auxiliary officers may carry firearms only while on-duty, and only if authorized and under conditions specified by the Department (Utah Code 53-13-105(2)(c)).

350.6.2 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid Concealed Weapon License (CWL) issued by the Department of Public Safety, Bureau of Criminal Identification. If a Reserve officer does possess a valid CWL the Reserve officer is permitted to carry the concealed weapon under the same authority and under the same conditions as any private citizen with a valid CWL.

An instance may arise where a Reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to Department standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a Department armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

350.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

(a) All reserve officers are required to qualify on the same schedule as full-time sworn officers.

(b) Reserve officers may fire at the Department-approved range once each month and more often with the approval of the Reserve Coordinator.

(c) Should a reserve officer fail to qualify, that reserve officer will not be allowed to carry a firearm until proficiency has been reestablished.

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

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352 - Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of the Department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of the Department, when another law enforcement agency requests assistance with an arrest or detention of any person. This Department may also request an outside agency to provide assistance.

352.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Watch Commander's office for approval. When an authorized employee of an outside agency requests the assistance of the Department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by this Department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and with the approval of the Watch Commander, will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by West Valley City Police Department personnel. Probation violators detained by this department will be booked at the appropriate county facility.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

356 - Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the West Valley City Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex and kidnap offenders.

356.2 POLICY

It is the policy of the West Valley City Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

The Investigation Section Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the officer shall ensure that the registration information is provided to the Utah Department of Corrections (DOC) in accordance with Utah Code 77-41-102.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Section Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence.

(b) Review of information on DOC's Sex and Kidnap Offender Notification and Registration (SONAR) website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to DOC and the officer should initiate a criminal investigation into the potential violation.

The Investigation Section Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to West Valley City Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to DOC's SONAR website for specific registrant information and photographs.

The detective in charge of the Sex Offender Registration Program shall release local registered offender information to residents in accordance with the Government Records Access and Management Act (GRAMA).

356.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

356.6 LEGAL MANDATES AND RELEVANT LAWS

Employees responsible for registering and entering sex or kidnap offenders into the database must be certified by the Utah DOC. To obtain and retain certification, the employee must receive initial and annual training from DOC.

The Investigations Section Lieutenant will be responsible for ensuring the appropriate training and certifications are maintained.

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Registered Offender Information

CALEA Standard(s):

358 - Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The West Valley City Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

It is the policy of the West Valley City Police Department that the Chief of Police and appropriate Bureau Commanders will be notified of all incidents which may incur liability or which may result in heightened community interest.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to employee on- or off-duty
- Death of a prominent West Valley official
- Arrest of Department employee or prominent West Valley official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Press inquiries

358.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practical. Notification should be made by calling the issued cell phone number first. If no response is received the home phone number shall be called.

The Watch Commander will also send written notification of the types of incidents described in § 358.2 via email in a Critical Incident Notification.

Notification regarding incidents which are less critical than those listed above, but which are still of interest to the Chief of Police and other supervisory staff, may be made via email in the State of the Watch.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in § 358.2, the affected Section Lieutenant and the Press Information Liaison shall also be notified.

358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the on-call detective shall be contacted.

358.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

358.4.4 PUBLIC INFORMATION LIAISON

The Public Information Liaison shall be called if it appears the media may have a significant interest in the incident.

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360 - Death Investigation

360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The importance of a thorough death investigation cannot be emphasized enough and shall be in accordance with the Utah Medical Examiner Act.

When death occurs under circumstances listed in §360.2.1, the death shall be reported to the District Attorney and to the Medical Examiner by the law enforcement agency having jurisdiction over the investigation and shall be made by the most expeditious means available.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 MEDICAL EXAMINER

The Medical Examiner's Office is required to inquire into and determine the circumstances, manner and cause of certain deaths. The Medical Examiner shall be called when a death is believed to be unattended in nature, or it is determined that sufficient suspicious circumstances exist that warrant an investigation by the Medical Examiner’s Office.

The body shall not be moved without permission of the Medical Examiner Investigator or District Attorney having criminal jurisdiction, or his authorized deputy except in cases of affront to public decency or circumstances where it is not practical to leave the body where found.

However, in all cases, the scene of the event shall not be disturbed until authorization is given by the Medical Examiner to the senior ranking peace officer on the scene, having jurisdiction of the case and conducting the investigation.

Medical examiner personnel will take responsibility for making arrangements for the transportation of the body from the scene/hospital to the examiner’s facility.

360.2.2 SEARCHING DECEDENTS

The Medical Examiner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Utah Code 26-4-7.

Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Medical Examiner the investigating officer shall first obtain verbal consent from the Medical Examiner.

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative

of the death report. Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 SERIOUS INJURY, ILLNESS OR DEATH NOTIFICATIONS

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the seriously injured/ill or deceased person shall be made, in person, by an officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction should be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established, the Medical Examiner will assign a unique identifying number for the body and maintain a file under the assigned number. If possible, this number, when applicable, shall be included in any report.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 HOMICIDE/ SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigation Section shall be notified to coordinate detective response to the scene for further immediate investigation.

The following police and other personnel shall be notified:

(a) Chief of Police
(b) Deputy Chiefs of Police
(c) Patrol Supervisor
(d) Public Information Officer
(e) Investigations Section Lieutenant
(f) Major Crimes Response Team Sergeant
(g) Forensics Unit Director
(h) Medical Examiner’s Office
(i) Salt Lake District Attorney’s office

360.2.7 UNATTENDED DEATHS

An unattended death is defined as one in which the deceased has not been under a medical doctor’s care and/or has not been seen by a doctor for the preceding thirty (30) days and the doctor declines to sign a death certificate, or the person has died from an unexplained cause. If the death is suspicious in any way treat it as a homicide and notify the required persons and

offices. Unattended deaths include the following:

(a) Intentionally caused death.

(b) Sudden death while in apparent good health.

(c) Death as the result of an accident.

(d) Death under suspicious or unusual circumstances.

(e) Results from diseases that may constitute a threat to public health.

(f) Any death in which the decedent is under 18 years old.

(g) When a fetal death occurs without medical attendance at or immediately after the delivery or when inquiry is required by the Utah Medical Examiner Act.

(h) Death results while the decedent was in prison, jail, police custody, the state hospital, or in a detention or medical facility operated for the treatment of the mentally ill, emotionally disturbed or delinquent persons.

(i) Any other circumstance deemed to be out of the ordinary or suspicious in nature.

If the death is determined to be unattended, the following police personnel and offices shall be notified:

(a) Patrol Supervisor

(b) On call Detective or Detective Supervisor

(c) Medical Examiner's Office

360.2.8 ATTENDED DEATHS

An attended death is defined as one in which the deceased has been under a medical doctor's care, has seen the doctor in the preceding thirty (30) days, and the doctor will sign the certificate of death.

The following police personnel shall be notified:

(a) The attending physician (To sign the death certificate and release the body to the mortuary.)

(b) Chief of Police (Audix) Patrol Supervisor

(c) On call Detective or Detective Supervisor

(d) After consultation with the on-call detective, a mortuary may be contacted at the request of the next of kin. Officers should remain with the body until custody can be released to the mortuary.

360.2.9 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Utah-OSHA is notified by telephone or teletype with all pertinent information.

360.2.10 TRAFFIC ACCIDENT DEATHS

Any death investigation that is the result of a traffic accident within the boundaries of West Valley City shall be investigated by the West Valley City Police Department in concert with the Medical Examiner's Office. The following shall be notified:

(a) Patrol Supervisor

(b) Deputy Chief-over the Uniformed Operations Bureau

(c) Traffic Section Sergeant

(d) Traffic Section Major Accident Investigators

(e) Medical Examiner's Office

360.2.11 INDIGENT/UNCLAIMED BODIES

After investigation into the cause and nature of the person's death, the assigned investigator will notify the Salt Lake District Attorney's Office Burial Coordinator if the death is determined not to be a homicide.

Salt Lake County has the jurisdiction to dispose of the body in accordance with county ordinances.

The deceased person's property shall be place into evidence until a determination is made as to the disposition of the property by the District Attorney's Office and County Treasurer's Office. The Property shall be disposed in accordance with the States Es-cheat Laws. Notification to the District Attorney's and County Treasurer's Office shall be made by the detective assigned to the investigation.

362 - Identity Fraud

362.1 PURPOSE AND SCOPE

Identity fraud is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes under the Identity Fraud Act (Utah Code 76-6-1101).

362.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity fraud (Utah Code 76-6-1102) shall initiate a report for victims residing within the jurisdiction of the Department. For incidents of identity fraud occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of the Department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and was reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.

(e) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

362.3 IDENTITY THEFT REPORTING INFORMATION SYSTEM

If the victim is unable to respond to the Department, the victim should be informed of the Internet web site created by the Attorney General which allows a victim of an identity-related crime to report the crime on the web site and have the victim's report routed to the appropriate law enforcement agency for the jurisdiction in which the crime occurred (Utah Code 67-5-22).

Web access to additional information is available at the Identity Theft Reporting Information System (I.R.I.S.).

364 - Private Persons Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Utah Code 77-7-3.

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

If a peace officer does not immediately exercise arrest powers or initiate criminal proceedings by citation or otherwise, he shall notify verbally or in writing, the victim of domestic violence his/her right to initiate a criminal proceeding by contacting the prosecutor's office and of the importance of preserving evidence, in accordance with the requirements of Utah Code 77-36-2.1 (Utah Code 77-36-2.2(2)(c)). The officer shall document this notification of the victim's right to initiate criminal proceedings in his/her report.

(a) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS

Utah Code 77-7-3 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his/her presence.

(b) When a felony has been in fact committed, and he/she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

364.3.1 MANNER OF MAKING PRIVATE ARREST

The person making the arrest shall inform the person being arrested of his intention, cause and authority to arrest him. Such notice shall not be required when (Utah Code 77-7-6):

(a) There is reason to believe the notice will endanger the life or safety of the person or another or will likely enable the party being arrested to escape.

(b) The person being arrested is actually engaged in the commission of, or an attempt to commit, an offense.

(c) The person being arrested is pursued immediately after the commission of an offense or an escape.

364.3.2 FORCE TO MAKE A PRIVATE PERSONS ARREST

Any person is justified in using any force, except deadly force, which he/she reasonably believes to be necessary to effect an arrest or to defend him/her self or another from bodily harm while making an arrest (Utah Code 76-2-403).

364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise the following options in accordance with Utah Code 77-7-2:

1. Take the individual into physical custody for booking.
2. Release the individual pursuant to a Citation (Notice to Appear Form). The private person's name who made the arrest must appear on the citation (Utah Code 77-7-20(2)(f)).
3. Release the individual and file a formal complaint with the appropriate prosecutor's office through the Investigation Section (complaint route).

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a witness statement under penalty of perjury.

If a citation is issued, the private person claiming to have made the arrest will sign the citation as the complainant.

In addition to the witness statement (and any other related documents such as citations, booking forms); officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Private Persons Arrest

CALEA Standard(s):

368 - Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of the Department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, department employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication such as in speaking or understanding, but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific. An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE

This department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department

personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the following assistance methods.

368.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters, but must have a level of competence sufficient to communicate in English and the identified non-English language fluently.

368.3.2 TELEPHONE INTERPRETER SERVICES

The Watch Commander and Dispatch Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones.

368.3.3 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals.

368.4 LEP CONTACT SITUATIONS AND REPORTING

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

368.4.1 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for interpretation services to all involved LEP individuals and utilize the methods outlined above in this policy to provide appropriate language assistance.

368.4.2 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

368.4.3 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

368.4.4 COMPLAINTS

The Department will ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. The Department will make reasonable attempt to communicate its response in an accessible manner.

368.4.5 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

368.5 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- A list of department bilingual employees, languages spoken and contact and shift information
- A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information
- The telephone number and access code of telephonic interpretation services
- Translated Miranda warning cards and other frequently used documents

Private Persons Arrest

CALEA Standard(s):

370 – Hearing Impaired/Disabled Communications

370.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA) 42 USC § 12101, et seq., it is therefore the policy of the Department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

370.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of the Department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

(a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.

(b) The nature of the disability (e.g., total deafness or blindness vs. impairment).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) Availability of resources to aid in communication.

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access to critical services while not imposing undue burdens on the Department or its officers.

370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, Department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

370.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost; choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and honored unless

the employee can adequately demonstrate that another effective method of communication exists under the circumstances.

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following.

370.3.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.

(b) Facing an individual who is utilizing lip-reading skills and by speaking slowly and clearly.

(c) Slowly and clearly speaking or reading simple terms to any visually or mentally-impaired individual.

370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Department form or document such as a Citizen Complaint Form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

370.3.3 TELEPHONE INTERPRETER SERVICES

The Watch Commander and Dispatch Supervisor will maintain a list of qualified interpreter services to be contacted at Department expense to assist deaf or hearing-impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

370.3.4 TTY AND RELAY SERVICES

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

370.3.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

370.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

370.4 CONTACT SITUATIONS AND REPORTING

While all contacts, services and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of the Department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

370.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of Department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore, it is important for this department to

make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheelchair or crutches during a custodial situation, the removal of items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

(c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

370.4.4 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

370.5 TRAINING

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this department will provide periodic training in the following areas:

(a) Employee awareness of related policies, procedures, forms and available resources.

(b) Employees having contact with the public (or those in custody) are trained to work effectively with in-person and telephone interpreters and related equipment.

(c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by Staff.

372 - Mandatory School Employee Reporting

372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested:

(a) By this department for any controlled substance offense enumerated in Utah Code 58-37-8, or for any of the offenses enumerated in Utah Code 76-5, Part 4 (Sexual Offenses), 76-9-702 (Lewdness) and 76-9-702.5 (Lewdness Involving A Child).

(b) By another jurisdiction and upon this department receiving notice that a school employee has committed an act which would, if committed in Utah, be an offense under Subsection (a) the Chief of Police or his/her designee is required to immediately report the arrest as follows:

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify the administrator of teacher certification in the State Office of Education and the superintendent of the school district employing the teacher (Utah Code 53-10-211).

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated make the same notifications as mandated in § 372.2.1.

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify the administrator of the private school employing the teacher and the administrator of teacher certification in the State Office of Education (Utah Code 53-10-211).

372.2.4 NOTIFICATION OF ARREST OF EDUCATORS

When an arrest has been made, consistent with the above criteria, the officer will do the following:

- Complete a detailed initial report
- Complete the "NOTIFICATION OF ARREST OF EDUCATORS" form
- Submit "NOTIFICATION OF ARREST OF EDUCATORS" form with the initial report and/or citation.

The records section will, upon receipt of the report and arrest form, submit the form within five days to:

Certification Personnel Development Unit Utah State Office of Education 250 East 500 South Salt Lake City, Utah 84111 ATTN: Coordinator of Personnel ATTN: Director of the School District

Submit arrest form to the appropriate school administrator if the school is Private. Document the date and time that the form was sent.

372.3 NOTIFICATION OF ARREST OF EDUCATORS - FORM

NOTIFICATION OF ARREST OF EDUCATORS FOR SEXUAL OR DRUG OFFENSES

Name of Educator:
Social Security #: D.O.B.:
Home Address:
City: State: Zip:
Employing School:
Address:
City: State: Zip:
Date of Arrest:
Nature of Offense:
Law Enforcement Agency: Case #:
Address:
City: State: Zip:
Agency phone #:
Information is being forwarded as required by 53-5-218 Utah Code Annotated. By forwarding this information, West Valley City is not representing that the accused person is guilty of these allegations.
Please send a copy of this form to EACH of the following: Certification and Personnel Development Utah State Office of Education 250 East 500 South Salt Lake City, Utah 84111 (801)538-7745 *Personnel Director *School District of the Educator

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373 - Grant Management/Billing

373.1 PURPOSE AND SCOPE

To set forth the requirements and emphasize the importance of proper management of grants from the Department of Justice (D.O.J.) or any other federally funded or state funded program.

To provide direction for the Police Department and City's financial reporting of billing and maintenance of grant records.

373.2 GRANT MANAGEMENT PROCEDURE

All federal, state and locally funded programs (specifically D.O.J. Programs) shall be strictly monitored and administered. The tracking of grant funding may be administered by:

- The Department's Budget Manager.
- Department Grant Manager.
- Specific program supervisor as assigned by the Chief of Police
- A properly trained civilian employee assigned by the Office of the Chief.

373.3 WRITING GRANTS

No member of this Department shall be authorized to write or submit for any grant funding on behalf of the police department or City without the direct approval of the Chief of Police or appropriate Deputy Chief or Executive Director.

The writing of grants shall be monitored through the Office of the Chief with final approval and review by the Chief or appropriate Deputy Chief or Executive Director prior to the submission for financial aid, grants or other sources of funding.

The Department Grant Manager will ensure that all grants are completed and submitted by the deadline assigned for each grant and reported accordingly.

373.4 GRANT RECORD MANAGEMENT

The Department Grant Manager shall maintain and keep current all required grant documents. The Department Grant Manager shall complete timely financial reports (SF269) or any other progress reports as required by the funding agency.

373.5 QUARTERLY MEETINGS

The assigned Department Grant Manager shall schedule quarterly meetings with the Department's Budget Manager and the assigned City Grant Coordinator. The grant meetings shall be held at the end of each quarter.

The purpose of these quarterly meetings shall be to:

- Review the overall progress of the grants.
- Review the financial status reports and progress reports and assure that other required documentation is current.
- Review grant goals and objectives.
- Compile a quarterly grant summary for the City's executive staff submitted through the Office of the Chief.
- Ensure that all D.O.J. grant requirements and objectives are met or are on schedule

to be met.

Private Persons Arrest

CALEA Standard(s):

374 - DNA Samples

374.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those persons (including qualified minors 14 years or older under Utah Code 53-10-403(3)) who are required to provide DNA specimens, which includes persons convicted or who pleaded guilty to any felony or class A misdemeanor under Utah law (Utah Code 53-10-403 et seq.).

Unless the Department determines there are substantial reasons for using a different method of collection or the person refuses to cooperate with the collection, the preferred method of collection shall be obtaining a saliva specimen.

Every employee designated to collect DNA specimens will receive appropriate training to ensure that the specimens are obtained in accordance with accepted protocol.

374.1.1 DEFINITIONS DNA - Deoxyribonucleic acid.

DNA specimen (or specimen) - A sample of a person's saliva or blood.

374.2 PERSONS SUBJECT TO DNA COLLECTION

While the courts may order DNA samples taken in a variety of circumstances under the law, including post-conviction requests, members of the Department are only authorized to obtain DNA samples from those qualifying persons under Utah law whose DNA sample is not currently on file with the Department of Public Safety (DPS) absent other lawful means (e.g., consent or a search warrant).

A person is required to provide one DNA specimen. The person shall provide an additional DNA specimen only if the DNA specimen previously provided is not adequate for analysis.

374.2.1 ARRESTEES

Any adult booked into a county jail, who has been convicted or has pleaded guilty under any of the qualifying offenses listed in Utah Code 53-10-403(1)(c) is required to provide DNA samples. The person need not provide a sample if the jail staff can obtain information from the Bureau of Criminal Identification that the bureau has a DNA specimen on file for the person.

374.2.2 SEX AND KIDNAP REGISTRANTS

Any adult or qualified juvenile 14 years or older who is required to register as a sex and/or kidnap offender defined in Utah Code 77-41-102 is required to submit a DNA sample.

At the time that any such person registers, updates registration or is notified by the DPS or other law enforcement officer, the registrant will be referred to the DPS to make an appointment designating the time and place for the collection of DNA samples if no such sample has already been provided.

374.3 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples under Utah law, the designated trained employee shall obtain DNA samples in accordance with this policy and proper protocol.

374.3.1 BLOOD SAMPLES

A blood sample shall be drawn in a medically acceptable manner by a licensed professional nurse, a licensed practical nurse, a paramedic, a qualified medical technician, a licensed physician or other person licensed by the state for this purpose.

374.3.2 SALIVA SAMPLES

A saliva sample shall be obtained in a professionally acceptable manner, using appropriate procedures to ensure the sample is adequate for DNA analysis. Every employee designated to collect saliva swab samples (taken from the inside of the mouth) will receive appropriate training to ensure that the specimens are obtained in accordance with accepted protocol.

A right thumbprint should be placed on the collector along with other required identifying information.

If an individual violently resists or presents other officer safety issues, employees may omit saliva swab samples upon approval of a supervisor.

374.3.3 FULL PALM PRINTS

Full palm print impressions shall be obtained on Department of Justice prescribed forms along with all DNA samples.

374.3.4 USE OF FORCE TO OBTAIN SAMPLES

If, after a written or oral request, a qualified person refuses to provide any or all of the required DNA samples, a sworn member of the Department may complete a report of the refusal and may refer the person to the prosecuting attorney for additional criminal charges and may use reasonable force established by Department guidelines and procedures to obtain such sample, which shall be under the following conditions:

(a) Prior to the use of reasonable force, the officer shall take reasonable steps to secure voluntary compliance and shall document those steps.

(b) Prior to the use of reasonable force, the officer should take reasonable steps to determine whether the DPS has on file a DNA specimen for the person.

(c) Prior to the use of reasonable force, the officer shall obtain written authorization from a supervisor, which shall minimally include that the individual was asked to provide the sample and refused.

(d) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped.

For the purpose of this section, the use of reasonable force shall be defined as the force that an objective, trained and competent officer faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

374.4 PROCESSING DNA SAMPLES

All DNA samples and related materials shall be promptly forwarded to the DPS laboratory using designated mailing tubes, labels and instructions for prompt analysis.

374.4.1 NOTICE OF A REJECTED SAMPLE

In the event the DPS notifies the Department that a DNA sample is not usable, the individual

whose original sample was provided is required to submit to collection of additional samples. The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to the DPS.

374.4.2 FOLLOW-UP NOTICE TO DEPARTMENT OF PUBLIC SAFETY

Within 90 days of submitting any DNA specimen sample to the DPS, this department shall notify the DPS when charges for a qualifying offense have not been filed.

374.5 MISUSE OR UNAUTHORIZED DISCLOSURE

It is unlawful and a policy violation for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes.

374.6 LITIGATION

The Chief of Police or a designee shall immediately notify the DPS in the event this department is named in a lawsuit involving the DNA sample collection, sample use or any aspect of the state's DNA Data Bank Program.

376 - Chaplains

376.1 PURPOSE AND SCOPE

The West Valley City Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

376.2 CHAPLAIN PROGRAM

It is the policy of the Department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for Department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Department.

(c) By providing counseling, spiritual guidance and insight for Department personnel and their families.

(d) By being alert to the spiritual and emotional needs of Department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious and free from excessive debt. Must manage their household, family and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.

(e) Possess a valid Utah Driver's License.

376.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Appropriate written application.

(b) Recommendation from their church elders, board or council.

(c) Interview with Department Chaplain Coordinator.

(d) Successfully complete an appropriate level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

376.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain may include, but are not limited to, the following:

(a) Assisting in making notification to families of Department members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the Department member.

(c) Visiting sick or injured law enforcement personnel in the hospital or at home.

(d) Attending and participating, when requested, in funerals of active or retired members of the Department.

(e) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the Department's mission.

(f) Counseling officers and other personnel with personal problems, when requested.

(g) Attending Department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(h) Responding to major disasters such as earthquakes, bombings and similar critical incidents.

(i) Providing liaison with various religious leaders of the community.

(j) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

(k) Participating in in-service training classes.

(l) Willing to train to enhance effectiveness.

(m) Promptly facilitating requests for representatives or ministers of various denominations.

(n) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contact that was provided while functioning as a chaplain for the West Valley City Police Department.

376.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the department may work or volunteer for the West Valley City Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the

limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the department member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the department chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any West Valley City Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

376.8 COMMAND STRUCTURE

(a) Under the general direction of the Chief of Police or designee, chaplains shall report to the Department Chaplain Coordinator.

(b) The Chief of Police shall make all appointments to the Chaplain Program and will designate a Department Chaplain Coordinator.

(c) The Department Chaplain Coordinator shall serve as the liaison between the Chaplain Unit and the Chief of Police. He/she will arrange for regular monthly meetings, act as chairperson of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

376.9 OPERATIONAL GUIDELINES

(a) Chaplains shall be permitted to ride with officers during any shift and observe West Valley City Police Department operations, provided the Watch Commander has been notified and approved of the activity.

(b) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.

(c) In responding to incidents, a chaplain shall never function as an officer.

(d) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.

(e) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

(f) Chaplains shall not comment to the news media concerning facts arising out of an incident. All information gathered concerning religious or personal matters arising out of his/her official duties shall be held confidential.

376.9.1 BADGES AND IDENTIFICATIONS

Chaplains will be issued badges, department identification and other equipment as needed.

376.10 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Lieutenant..

380 - Child and Dependent Adult Safety Policy

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy, § 330, and the Elder Abuse Policy, §326.

380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience an individual may have when their parent or caregiver is arrested. The West Valley City Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian, or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregivers's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings, and consideration for comfort, emotional state and safety are important.
2. Except when there is an existing court order limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian, or caregiver.

(b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify Child Protective Services if appropriate.

(d) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

380.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These phone calls should be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting officer will document the following information:

1. Name
2. Sex
3. Age
4. How, where and with whom or which agency the child was placed.

(b) For all arrests where dependent adults are present or living in the household, the reporting officer will document the following information:
   1. Name
   2. Sex
   3. Age
   4. Whether he/she reasonably appears able to care for him/herself.
   5. Disposition or placement information if he/she is unable to care for him/herself.

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any children or dependent adults, the handling officer should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

380.5 TRAINING

The Training Lieutenant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults review this policy on a timely basis.

Private Persons Arrest

CALEA Standard(s):

382 - Service Animals

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The West Valley City Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the West Valley City Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each

incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

384 - Volunteer Program

384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Chief of Police. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Developing and maintaining a volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination, as appropriate, of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

(j) Maintaining liaison with other volunteer-utilizing programs in the community and

assisting in community-wide efforts to recognize and promote volunteering.

384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the Utah Department of Public Safety.

(b) Employment.

(c) References.

(d) Credit check.

A truth verification exam may be required of each applicant depending on the type of assignment.

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator. Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

384.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid Utah Driver's License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

384.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete Utah Criminal Justice Information System (UCJIS) and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and UCJIS training is provided for volunteers whenever necessary.

384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

386 - Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the West Valley City Police Department with respect to taking law enforcement action while off-duty.

386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (Utah Code § 77-9-3).

386.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms and Qualification Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

386.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/her self as a West Valley City Police Department officer until acknowledged. Official identification should also be displayed.

386.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

386.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

386.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a West Valley City Police Department Supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the West Valley City Police Department). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency as soon as reasonably possible (Utah Code § 77-9-3).The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

388- Naloxone

388.1 PURPOSE AND SCOPE

To establish guidelines regarding the utilization of nasal Naloxone in order to reduce the number of fatalities which occur as a result of opiate overdose by the proper pre-hospital administration of nasal Naloxone (brand named NARCAN).

The West Valley City Police Department will train and equip select members to prepare for opiate overdose emergencies. The Department will keep and maintain a professional affiliation with a Medical Review Physician (referred as the MRP), for medical oversight for the use and emergency administration of Naloxone. The Medical Review Physician shall be licensed to practice medicine within the State of Utah. The Medical Review Physician, at his or her discretion may make recommendations to the policy.

388.1.1 DEFINITIONS

Opiate – An opiate is any controlled substance containing or compounded to be a derivative of morphine, morphine sulfate. The term opiate describes any of the narcotic opioid alkaloids found as natural products in the opium poppy plant, Papaver somniferum. Commonly encountered opiates in police service include heroin, morphine, oxycontin, percocet, and percodan.

Naloxone - Naloxone is an opioid antagonist drug. Naloxone is a drug used to counter the effects of opiate overdose, for example, a heroin or morphine overdose. Naloxone is specifically used to counteract life threatening depression of the central nervous system and respiratory system. It is marketed under various trademarks including NARCAN, Nalone, and Narcanti, and has sometimes been mistakenly called "naltrexate". It is not to be confused with naltrexone, an opioid receptor antagonist with qualitatively different effects, used for dependence treatment rather than emergency overdose treatment.

Medical Control Physician – The Medical Control Physician, herein after referred to as MCP, shall be a designated Medical Doctor who is licensed to practiced medicine in Utah. The West Valley City Police department shall maintain an affiliation with the MCP. The Chief of Police or his/her designee shall periodically consult with the MCP to review overall training, equipment, procedures, changes to applicable laws and regulations and/or the review of specific medical cases. At their discretion, the MCP may participate in training members of the West Valley City Police Department.

388.2 LEGAL PREMISES FOR IMPLEMENTATION

The West Valley City Police department relies upon the following; The Department shall approve training programs for select police officers and civilian employees in the use of Naloxone or other opioid antagonist approved by the Department that meet the following requirements:

1. A Medical Review Physician has approved the specific training program; and

2. The training program meets the minimum standards established by the Department. Also;

UCA 26-55-104 (1) (a) which states in part "*a person other than a health care facility or health care provider who acts in good faith to administer an opiate antagonist to another person whom the person believes to be suffering an opiate-related drug overdose event is not liable for any civil damages or acts or omissions made as a result of administering the opiate antagonist*." The statute imposes no limitation on who may possess and administer narcan [naloxone]. The statute further indicates that Narcan [naloxone] must be obtained with a prescription and administered in good faith [paraphrased].

UCA 26-55-104 (2) which states in part "*a health care provider who is licensed to prescribe or dispense an opiate antagonist may, without a prescriber-patient relationship, prescribe or dispense an opiate antagonist without liability for any civil damages or acts or omissions made as a result of prescribing or dispensing an opiate antagonist in good faith, to: (b) a family member of, friend of, or other person who may be in a position to assist an individual who may be at increased risk of experiencing or who is likely to experience an opiate-related drug overdose event."*

UCA 58-31b-703 Opiate antagonist -- Exclusion from unprofessional or unlawful conduct states in part, "*The provisions of this section and Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, do not establish a duty or standard of care in the prescribing dispensing, or administration of an opiate antagonist."*

388.3 EQUIPMENT

Nasal Naloxone kits will be issued to select sworn and non-sworn members of the West Valley City Police Department. Kits should be available for use during on-duty hours. Injectable Naloxone kits will be issued to K9 officers for use on K9s.

388.3.1 REPLACEMENT DOSES

Additional doses of Naloxone will be stored and secured within the Training Section. After administering a dose, the employee will contact the Training Section for a replacement.

388.3.2 STORAGE OF NALOXONE

Naloxone may be damaged by extreme temperatures, both high and low. Due to this fact, consideration should be given to (i) storing the Naloxone in the interior of a patrol car when extreme temperatures exist, and (ii) removing the Naloxone from the patrol car and storing it inside the West Valley City Police Department offices after a shift is completed. Officers should carry the Naloxone kits on their person during their shift

388.4 REPORTING

Any member of the Department who deploys Naloxone will ensure that they report the deployment in a police report. Members deploying Naloxone will also complete the Department's Naloxone Administration Report Form and turn that form in with his/her police report.

388.5 NALOXONE COORDINATOR

The Training Section Lieutenant is designated as the Naloxone Coordinator, and shall be responsible for the following:

(a) Ensuring the Naloxone is current and not expired.

(b) Proper and efficient deployment of Naloxone for West Valley City PD officers.

(c) Replacement of any Naloxone that is damaged, unusable, expired or deployed.

(d) Ensuring all personnel who will administer nasal Naloxone has received appropriate training in Naloxone administration.

(e) Ensuring that any deployment of Naloxone to a subject will have a corresponding police report documenting such deployment.

(f) Report to the medical review physician, which reports may be reviewed and debriefed monthly.

390 – Authorized Personal Use of Public Property

390.1 PURPOSE AND SCOPE

This policy provides guidance for public servants as to authorized personal use of public property, as defined in Utah Code section 76-8-101(5), to help them avoid unintentional violations of Utah Code sections 76-8-402 and 76-8-404, Offenses Against the Administration of Government. Violation of Utah Code section 76-8-402 is a felony.

A public servant is not guilty of a violation of Utah Code section 76-8-402 for authorized personal use of public property. “Public servant” means a public officer, an appointed official, employee, consultant, or independent contractor of a public entity, or a person hired or paid by a public entity to perform a government function. “Public property” means real or personal property that is owned, held, or managed by a public entity.

This policy constitutes a “written policy of the public servant’s entity” for purposes of Utah Code section 76-8-402(1)(a)(iii). For purposes of this policy, “public servants” will be referred to as “employees.”

390.2 USE OF PUBLIC PROPERTY

Employees are responsible to protect and conserve government-owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use government resources, and one should not be inferred. The privilege to use public property for personal purposes may be limited or revoked at any time by the employee’s supervisor.

Employees do not have a right to nor should they have an expectation of privacy while using government resources at any time including when they are accessing the internet, using email, instant messaging, or telephones. (See Department Policies 212-Electronic Mail; 342-Department Computer Use; 448-Mobile Data Terminal; 812-Utah Criminal Justice Information System). Employees who wish for their personal activities to be private should not conduct such activities using public property.

To help improve the effectiveness and efficiency of government services, incidental personal use of public property is authorized under Utah Code section 76-8-402 and is further authorized under this policy. Incidental personal use includes:

(a) Use of public property for limited personal use when an employee is using the public property to perform their duties of office or employment; and

(b) Use of public property of a personal nature when such use of the public property:

(1) Is allowed to be used by the general public;

(2) Is allowed for training or skill development;

(3) Is provided or required to be provided to the public servant as an employee benefit or convenience, such as lunchroom, fitness, and/or nursing room facilities;

(4) Provides value to the Department that substantially outweighs the personal benefit received by the employee;

(5) Is otherwise permitted by an employee's manager or supervisor (e.g., a supervisor in the employee's organizational chain of command) in writing prior to usage; or

(6) Is otherwise permissible under state, federal, or municipal law.

(c) Notwithstanding (b), incidental personal use does not include any use that:

(1) Significantly interferes with the mission or operations of the Department;

(2) Significantly interferes with the performance of the employee's or any other employee's official duties;

(3) Significantly compromises the integrity of public property; or

(4) Is for private financial gain, including but not limited to conducting outside business, employment, or other income generating activities.

400 - Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Section of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of West Valley, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week. Officers assigned to uniform patrol will sign up for their shift and days off via a bid process. The Deputy Chief of the Patrol Bureau will be responsible for the frequency of the bid, scheduling and assignments to service areas.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.

(b) Calls for service, both routine and emergency in nature.

(c) Investigation of both criminal and non-criminal acts.

(d) The apprehension of criminal offenders.

(e) Community Oriented Policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature.

(f) The sharing of information between the Patrol Section and other sections within the Department, as well as other outside governmental agencies.

(g) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.

(h) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the West Valley City Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Information and Intelligence Unit (IIU) Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various sections of the West Valley City Police Department.

400.2.1 INFORMATION AND INTELLIGENCE UNIT

The Information and Intelligence Unit (IIU) will be the central unit for information exchange. Criminal information and intelligence reports can be distributed electronically to all sections

within the Department.

400.2.2 INITIAL REPORTS

An initial report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate section for retention or follow-up investigation.

400.2.3 PATROL BRIEFING

Patrol supervisors, detective sergeants and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Briefing as time permits.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

402 - Racial/Bias-Based Profiling

402.1 PURPOSE AND SCOPE

The West Valley City Police Department strives to provide law enforcement to provide services with due regard to the racial and cultural differences of the community. It shall be the policy and practice of the Department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of race, color, ethnicity or nationality, religion, gender, sexual orientation, age or disability. Officers shall comply with Utah Code 10-3-913(3).

The Department prohibits the use of racial/bias-based policing in determining the existence of probable cause to take into custody or to arrest an individual, requiring a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle, or determining the existence of probable cause to conduct a search of an individual or conveyance. This prohibition extends to activities involving traffic contacts, field contacts, asset seizure and forfeiture efforts.

402.2 DEFINITION

Racial/biased-based profiling, for purposes of this section, can be defined as any law enforcement-initiated action that relies upon the race, color, ethnicity, nationality, gender, sexual orientation, religion, age, or disability of an individual, rather than the behavior of that individual.

Law enforcement activity can be defined as any activity that includes, but is not limited to, stopping, detaining, questioning, or searching a person, his/her possessions, vehicle, or residence.

402.3 RACIAL/BIAS-BASED PROFILING

Racial/biased profiling does not include circumstances where the law enforcement officer has information that includes a racial, ethnic, or other listed descriptor concerning a suspect for a specific crime where that information is reliable and is likely to lead to the discovery of that individual.

The West Valley City Police Department will investigate all complaints of alleged racial/biased-based profiling complaints against its members. Employees violating this policy are subject to discipline. Discrimination is a Category “E” violation of the Disciplinary Matrix (See Policy § 341.5). Category “E” violations are punishable with a disciplinary order of suspension of 151 hours or more loss of Paid Time Off (PTO) and/or suspension and/or demotion or termination.

Any person who believes they have been the subject of a violation of this policy may file a complaint with this department. Any non-supervisory employee who is made aware of such a complaint will obtain the complainant's name address, phone number, date of birth, and a brief synopsis of the details of the complaint, including the names of the accused officer/s or employee/s and forward that information to their immediate supervisor. If the complainant refuses to divulge such information, the officer/employee shall document as much information as he/she can and forward it to their immediate supervisor.

Supervisors will report all complaints to the Internal Affairs and Inspections Bureau as soon as practical. Complaint of a violation of this policy will be investigated in a manner consistent with the Department's Internal Affairs policy.

The Internal Affairs and Inspections Bureau will keep an accurate record of:

(a) The number of complaints received by the department each calendar year.

(b) The number of complaints that are sustained each calendar year.

(c) The name of the officer whom the complaint is against.

(d) The name of the complainant.(If available)

(e) The details of the complaint.

(f) The classification of the complaint.

(g) What, if any, disciplinary action was taken.

402.4 TRAINING

This Department will deliver on-going training to all law enforcement officers to provide guidance regarding the consideration of race, ethnicity or any other listed descriptor in the agency's law enforcement activities. This training will include: Department Policy Manual, federal, state and case law governing the limitations (lawful and unlawful) in the use of race as a determiner for police activity. This training will take place on an annual basis.

402.5 ADMINISTRATION

Annually, the Internal Affairs and Inspections Bureau shall review the Department's effort to prevent racial/biased-based profiling and submit an overview to the Chief of Police. This review will contain:

(a) The number of racial/bias-based policing complaints received by the Department;

(b) The action taken in response to each racial/bias-based complaint received;

(c) The disposition of each racial/bias-based complaint;

(d) The date each complaint was received and the date each complaint was closed;

(e) A review of the Department training on racial/bias-based policing and suggestions for improvements to that training;

(f) A review of this policy and suggestions for changes to this policy.

(g) Public concerns regarding racial/bias-based policing and how those concerns will or are being addressed

This overview shall not contain any identifying information regarding any specific complaint, citizen or officer.

402.5.1 OFFICERS ACTIONS

No police officer shall exercise his/her authority in a manner that unlawfully discriminates against an individual, or individuals, based upon race, color, ethnicity, nationality, gender, sexual orientation, religion, age, or disability.

No police officer, or employee of the police department, shall endorse or act upon attitudes, stereotypes, or beliefs based solely on a person's race, color, ethnicity, nationality, gender, sexual orientation, religion, age, or disability that increases the likelihood a person, or group of persons is involved in criminal activity.

Officers may consider race, color, ethnicity, nationality, gender, sexual orientation, religion, age, or disability of a person, or persons, when deciding to take law enforcement action if that consideration is based upon specific and reliable information that is likely to lead to the discovery of that person, or persons, criminal activity.

Any person detained by a police officer will be informed of the reason for the detention by the detaining officer as soon as practical without compromising the integrity of an investigation or placing a witness, complainant, or victim in unreasonable jeopardy.

404 - Briefing Training

404.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to intelligence bulletins, statistical data, unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new General Orders or changes in General Orders.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

Supervisors should report all training information to the Training Unit.

404.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

406 - Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including medical assistance. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene it shall be maintained until the officer is relieved by order of a supervisor.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Ensure no suspects are still in the area.

(b) Broadcast emergency information including all requests for additional assistance.

(c) Provide first-aid commensurate to their training to injured parties if it can be done safely.

(d) Secure the inner perimeter with crime scene tape.

(e) Protect items of apparent evidentiary value.

(f) Start a chronological log noting critical times and personnel allowed access.

406.2.2 ENFORCEMENT

Any sworn member of the West Valley City Police Department may enforce all orders of the local health authority issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Utah Code 26-6b-2 and Utah Code 26-6b-3).

If an individual refuses to comply with an order of the Department of Health or local health authority issued to prevent the spread of a communicable disease, infectious agent, or contamination, the issuing authority may petition a District Court for an order for involuntary examination, treatment, quarantine or isolation of the individual in accordance with Utah Code 26-6-4.

406.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority

for the search is obtained.

406.3.1 CONSENT

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

408 - Crisis Response Teams

408.1 PURPOSE AND SCOPE

The Crisis Response Teams are two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). These teams have been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

408.1.1 OPERATIONAL AND ADMINISTRATIVE STRUCTURE

The Policy Manual sections pertaining to the Crisis Response Teams are divided into Administrative and Operational sections. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to Department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. These incidents include, but are not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of Department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 PROGRAM

It shall be the policy of the Department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control.

(b) Containment.

(c) Entry/Apprehension/Rescue.

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

408.2.1 PROGRAM CONSIDERATIONS

An assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's

capabilities and limitations and should be reviewed annually by the SWAT Commander or designee.

408.2.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.

(b) Team organization and function.

(c) Personnel selection and retention criteria.

(d) Training and required competencies.

(e) Procedures for activation and deployment.

(f) Command and control issues, including a clearly defined command structure.

(g) Multi-agency response.

(h) Out-of-jurisdiction response.

(i) Specialized functions and supporting resources.

408.2.3 OPERATIONAL PROCEDURES

This Department shall develop a separate written set of operational procedures that are in accordance with a SWAT team's level of capability, and that use sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Such procedures are specific to SWAT members and will outline tactical and officer safety issues, and are not included in this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.
3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

1. When possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation, which may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether a warrant should be regarded as high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post-incident scene management including:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.
   - (a) After-action team debriefing provides evaluation and analysis of critical incidents, and affords the opportunity for individual and team assessments. Debriefing also helps to identify training needs and reinforces sound risk management practices.
   - (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
   - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
   - (d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis.

(j) Standardization of equipment deployed.

408.3 TRAINING NEEDS ASSESSMENT

The SWAT Commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and the Department Policy Manual.

408.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of a Department-approved Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed Department requirements.

408.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training every 24 months.

408.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander Course or its equivalent. SWAT command personnel should attend a SWAT Commander Course, Tactical Commander Course or its equivalent.

408.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT Commander. The SWAT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score within 30 days. The member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun and rifle. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SWAT Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Each swat team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the SWAT Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 20 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

408.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

408.3.6 SCENARIO-BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file.

408.4 UNIFORMS, EQUIPMENT AND FIREARMS

408.4.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.4.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

408.4.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units and the supporting resources should be agency-issued or approved, including any modifications, additions or attachments.

408.4.4 OPERATIONAL READINESS INSPECTIONS

The SWAT Commander shall appoint a SWAT supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SWAT Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SWAT facility and equipment maintained or used in SWAT vehicles.

408.5 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The Commanders of SWAT and CNT shall each be selected by the Chief of Police upon recommendation of Staff.

408.5.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Operations Commander, the SWAT and CNT shall each be managed by a lieutenant.

408.5.2 TEAM SUPERVISORS

The CNT and SWAT Team will each be supervised by one or more sergeants.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by Staff and the CNT and SWAT Commanders.

The following represent the supervisor responsibilities for the Crisis Response Teams:

(a) The CNT supervisor's primary responsibility is to supervise the operations of the CNT, which will include deployment, training, first line participation and other duties.

(b) The SWAT supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation and other duties.

408.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team (CNT) has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the CNT.

408.6.1 SELECTION OF PERSONNEL

Upon announcement of an opening in the CNT, interested sworn personnel, who are off probation, shall submit an Intradepartmental Correspondence indicating their interest, and outlining any qualifications they might have to the CNT Commander. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

The CNT Commander shall submit a list of successful applicants to the Chief of Police for final selection.

408.6.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the CNT should attend a Basic Negotiators Course as soon as possible. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team

members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

408.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The following procedures serve as directives for the administrative operation of the SWAT Team.

408.7.1 SELECTION OF PERSONNEL

Upon announcement of an opening in SWAT, interested sworn personnel who are off probation shall submit an Intradepartmental Correspondence indicating their interest, and outlining any qualifications they might have to the SWAT Commander. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun and rifle and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SWAT Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance.
2. Demonstrated good judgment and understanding of critical role of SWAT member.
3. Special skills, training or appropriate education as it pertains to this assignment.
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun and rifle: Candidates will be invited to shoot the SWAT Basic Drill for the handgun and rifle. A minimum qualifying score of 90% must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on his/her field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to the Chief of Police, by the SWAT Commander, for final selection.

408.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

408.8 OPERATION GUIDELINES FOR CRISIS RESPONSE TEAMS

The following procedures serve as guidelines for the operational deployment of the Crisis Response Teams. Generally, the SWAT Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team, such as warrant service operations. This shall be at the discretion of the Watch or Incident Commander.

408.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Crisis Response Teams are to respond. Upon final determination by the Watch Commander, he/she will notify the SWAT and/or CNT Commander as appropriate.

408.8.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE TEAMS

The following are examples of incidents which may result in the activation of the Crisis Response Teams:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order and ensure the protection of property.

408.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the West Valley City Police Department Crisis Response Teams in response to requests by other agencies must be authorized by the Chief of Police or his/her designee.

408.8.4 MULTI-JURISDICTIONAL SWAT/CNT OPERATIONS

The SWAT/CNT teams, including relevant specialized units and supporting resources, should develop protocols, agreements, MOUs, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT and/or CNT operations will regularly be conducted; SWAT and/or CNT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the West Valley City Police Department SWAT and CNT teams shall operate under the policies, procedures and command of the West Valley City Police Department when working in a multi-agency situation.

408.8.5 MOBILIZATION OF CRISIS RESPONSE TEAMS

The on-scene supervisor shall make a request to the Watch Commander for the appropriate

Crisis Response Teams. The Watch Commander shall then notify the SWAT and/or CNT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained by Valley Emergency Communications Center (VECC). The Watch Commander will then notify the Operations Commander as soon as practical.

The Watch Commander should advise the SWAT and/or CNT Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.
(b) If the suspect is in control of hostages.
(c) If the suspect is barricaded.
(d) The type of crime involved.
(e) If the suspect has threatened or attempted suicide.
(f) The location of the command post and a safe approach to it.
(g) The extent of any perimeter and the number of officers involved.
(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SWAT and/or CNT Commander or supervisor shall then call selected officers to respond.

408.8.6 WATCH UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practicable and sufficient resources exist:

(a) Establish an inner and outer perimeter.
(b) Establish a command post outside of the inner perimeter.
(c) Establish an arrest/response team. The team actions may include:
    1. Securing any subject or suspect who may surrender.
    2. Taking action to mitigate a deadly threat or behavior.
(d) Evacuate any injured persons or citizens in the zone of danger.
(e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
(f) Be prepared to brief the CRU Commander on the situation.
(g) Plan for, and stage, anticipated resources.

408.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Teams at the scene, the Incident Commander shall brief the SWAT and/or CNT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SWAT and/or CNT Commander, whether to deploy the Crisis Response Teams. Once the Incident Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer

perimeter security, and support for the Crisis Response Teams. The Incident Commander and the SWAT and/or CNT Commander or designee shall maintain communications at all times.

408.8.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response Team personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT or CNT personnel directly.

410 - Ride-Along Program

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The West Valley City Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons, however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15-years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor for any reason

If the participant meets the eligibility requirements, the completed packet will be maintained by the Patrol Section and he/she shall schedule the participant.

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 02:00 a.m. in four (4) hour maximum blocks. Exceptions to this schedule may be made as approved by the Chief of Police, Section Commander or Patrol Section.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Section. The participant will complete a Ride-Along Waiver Form. Information requested will include a valid ID or Utah driver's license, address and telephone number. If the participant is under 18-years of age, a parent/guardian must be present to complete the Ride-Along Waiver Form.

The Patrol Section will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six

months unless an exception is approved by the Chief of Police, Section Commander or Patrol Section.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

410.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONG

Off-duty members of the Department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Patrol Section. In the event that 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. A waiver of liability shall be signed by each participating officer and the Patrol Section shall maintain the waiver in a file. This category of ride along may ride once per quarter or as allowed by the Patrol Section.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check shall include a local records check and a state records check through the Bureau of Criminal Identification (BCI) prior to their approval as a ride-along with a law enforcement officer, provided that the ride-along is not an employee of the West Valley City Police Department.

410.2.5 IMMEDIATE FAMILY MEMBERS/VECC EMPLOYEES/CIVILIAN STAFF

Members of an officer's immediate family, VECC employees, and civilian staff may ride along with permission from the Patrol Section. The approving supervisor shall ensure that a waiver of liability is signed for each ride along. The waiver shall be maintained in a file by the Patrol Section. This category of ride along may ride once every quarter.

410.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation.

The Patrol Section is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the Ride-Along Waiver Form shall be returned to the Patrol Section with any comments which may be offered by the officer. These requests and waivers shall be maintained for a period of at least ten years prior to destruction.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct

him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) The ride-along may terminate the ride at any time. If the ride-along interferes with the performance of the officer's duties, the officer may terminate the ride-along and return the observer to his/her home or to the station.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(e) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

(f) 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.

(g) No weapons will be carried by a ride along participant, except for certified law enforcement officers.

410.4.1 WATCH COMMANDERS RESPONSIBILITY

Watch Commanders shall insure that all the required elements of the ride along program are met and adhered to.

412 - Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. The following is to be the policy of the Department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; it is characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, clandestine drug labs or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens:

(a) Attempt to identify the type of hazardous substance while maintaining a safe distance (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Police vehicles should be parked up wind from the hazardous material.

(c) Notify the fire department.

(d) Consider activation of Incident Command System (ICS) protocols.

(e) Provide first-aid for injured parties if it can be done safely and without contamination.

(f) Begin evacuation of the immediate area and surrounding areas, dependent on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

Section 1042 shall be followed in regards to reporting exposures/injuries/illness.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

Supervisor responsibility shall conform to section 1042 of this policy.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

414 - Hostages and Barricaded Suspects

414.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

The police mission, when dealing with any hostage or barricaded subject, is to obtain the safe release of the hostage/s or other involved victims and to apprehend the suspect/s.

Negotiations may be utilized to effect the safe outcome of the situation. Negotiation tactics are held confidential to protect the strength of the police negotiating position.

414.1.1 DEFINITIONS

Hostage - Means a person held by one party in a conflict as security so that specified terms will be met by the opposing party.

Barricaded Suspect - Means a person who takes a position of cover or concealment or maintains a position in a structure, and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

414.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility by using techniques that are consistent with their training and are appropriate for the situation.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by § 300, with particular regard directed toward the safety of hostages.

414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation assumes that role. Upon the arrival of the supervisor and/or Watch Commander that role shall revert to the highest rank. All of the above should consider the following:

(a) Determine if a hostage/barricaded subject situation actually exists. Notify the Field Supervisor and/or the Watch Commander and request sufficient police personnel to contain the potential situation.

(b) If possible, determine the location and number of suspects, hostages, or other involved persons. Determine the number and type of weapons involved, if any.

(c) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel. If contact is initiated by the suspect/s preliminary communications may be started to diffuse the situation. Officers should at all times act to protect the lives of the public, the victim/s, the

officer/s, and the suspect/s.

(d) Report the confirmed situation to dispatch.

(e) Notification of appropriate persons within the agency, such as on duty supervisor/s, Watch Commander/s, Chief of Police, Deputy Chiefs of Police, tactical team leaders, negotiators, Public Information Officer and other personnel as appropriate.

(f) Establishment of inner and outer perimeters including a traffic perimeter to prevent any unauthorized persons from entering an unsafe area.

(g) Evacuation of bystanders, injured persons, residences, or business' from the inner perimeter to a centralized safe location as determined by a supervisor.

(h) Establishment of central command post and appropriate chain of command.

(i) Request for ambulance, rescue, fire and surveillance equipment as required.

(j) Authorization for news media access and implementation Department policy (section 346) regarding the news media.

(k) Provide specific and safe routes of travel for all responding units.

(l) Pursuit/surveillance vehicles and control of travel routes.

(m) If the suspect/s and hostage/s are mobile (either on foot or in a vehicle) monitor their movements until such time as they can be immobilized. Once immobilized, they should not be allowed to become mobile again unless this is authorized by a supervisor, Watch Commander, or other involved command officer.

414.3.1 SUPERVISOR RESPONSIBILITY

The Field Supervisor, Watch Commander, or Incident Commander shall assume responsibility for:

(a) Directing and supervising the initial response, containment, and stabilization of the scene.

(b) Establishing a command post

(c) Notification of appropriate personnel including Chief of Police, Deputy Chiefs of Police, SWAT team leaders, hostage negotiators, and the Public Information Officer.

(d) If the Public Information Officer is not available, designate a temporary information officer. This may be a supervisor or officer to act as a liaison between the media and the department. The PIO or temporary information officer shall make approved and appropriate news releases to the media to keep them informed of the situation. The PIO will cooperate with the media to the extent that the operation will not be jeopardized and reasonable safety will be observed.

414.4 REPORTING

Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of the initial report for the hostage/barricade incident. All officers involved in the hostage/barricaded subject situation shall complete required supplemental reports documenting their involvement and activity during the incident.

416 - Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When investigating an incident involving a suspected explosive device, the following guidelines should be followed:

(a) Notify the bomb squad as quickly as possible.

(b) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging or even if it has been moved. The Department Bomb Squad should be summoned for assistance. A bomb technician will make a determination if additional bomb resources are needed.

(c) A minimum perimeter of 300 feet or distance as determined by the bomb technician should be established around the location of the device. An access point should be provided for support personnel.

(d) As much information as is available should be promptly relayed to the Watch Commander and bomb technician including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction) of the device.

(e) The device should not be touched or moved except by qualified bomb squad personnel.

(f) Consideration should be given to alerting, evacuating or sheltering in place persons in any buildings near the device.

(g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device(s) found.

Explosive or military ordnance of any type should be handled only by the Bomb Squad or military ordnance disposal team.

416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize

injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assume there may be additional explosives/devices if a criminal act.
- Notify the Bomb Squad.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire department.
(b) Bomb squad.
(c) Chief of Police.
(d) Deputy Chief(s) of Police.
(e) Additional officers.
(f) Field supervisor.
(g) Watch Commander.
(h) Detectives.
(i) Forensic Science Services.

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure should be followed should a bomb threat call be received at the police facility.

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received at the Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

416.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Watch Commander is immediately advised and fully informed of the details. The Watch Commander will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

416.5 BOMB THREAT RESPONSE

(a) A non-credible response to bomb threats at any location will be made without the use of lights or sirens. The on duty supervisor and/or watch commander will be notified by the communications center via phone. The assigned unit will be notified by the field supervisor or Watch Commander to meet near the location without information about the call being a bomb or bomb threat broadcast over the air. (This is done to reduce or eliminate any public panic that may be generated by the situation.)

(b) If required, incident command should be set up in the area of the call. All responding and

support units should respond and report to the incident command for assignment, unless otherwise directed by the scene/incident commander.

(c) Any decision to evacuate will be made by the manager or person in charge of the premises, unless exceptional circumstances are involved. Any decision to evacuate any school, public or private, shall be made by the principal of the school or his/her designate. This person should notify the respective school district administration of the situation.

(d) If the need arises to evacuate a building, consider three options:

1. Total evacuation;
2. Shelter in place; or
3. A combination of the two.

If people are evacuated, they should take all personal belongings with them including bags, purses, backpacks, etc.

(e) A search of the location should be conducted. The recommended method for locating a suspected device is for the person most familiar with the location and an officer conduct a search with the approval of the scene/incident commander. If the area is large then several teams may be involved. The officer will not participate in the actual search, but will accompany the responsible person and advise on actions if a suspected device is located. The search should concentrate on anything unfamiliar or out of place and areas where a device could be placed, such as vents, lockers, dressing rooms, restrooms, etc.

(f) If a suspicious package, device, or actual explosive is located, IT SHOULD NOT BE MOVED OR HANDLED. The bomb technicians should be notified and respond. Upon their arrival, a determination of how to render safe or remove the device will be made by the bomb technician and the scene/incident commander. The bomb technician's responsibility is to render the device safe, not take over as the scene/incident commander or initial officer.

(g) If a time for detonation was given by the suspect, searchers and all other personnel shall leave the area as soon as possible prior to the detonation time and not return sooner than one (1) hour after the detonation time has elapsed.

(h) An initial report shall be completed by the responding officer and supplemental reports shall be completed by all officers involved in the threat/ bomb incident. The Bomb Squad Commander shall be notified of the case number so that required F. B. I. reports can be filed.

(i) The West Valley City Fire Department does not need to respond to bomb threat calls unless the incident involves a large occupied building or school, or at the discretion of the scene/incident commander. If the Fire Department has responded to the incident. Its activities shall be coordinated with the scene/incident commander utilizing the Incident Command System protocols. If an explosive device detonates or a fire starts the on scene fire commander shall assume command of the rescue/suppression efforts and the police department shall assist as requested. Once these efforts have concluded, the scene/incident police commander shall assume control of the incident.

(j) If the situation is an actual bombing or terrorist incident, the incident may fall under Federal jurisdiction and the appropriate federal agencies shall be notified. (F.B.I., Department of Homeland Security, etc.)They may assume control of the location/incident. The police department shall render any requested and appropriate support and assistance.

416.6 BOMB DETECTION K-9'S

If explosive detection K-9's are not available from the West Valley City Police Department, a bomb dog and handler will be requested from the nearest available agency.

416.7 DEPARTMENT BOMB TECHNICIANS

If the West Valley City Police Department bomb technicians cannot be contacted or are unavailable, the scene/incident commander shall have dispatch contact either the Salt Lake City Police Department Bomb Squad or the Unified Fire Authority Bomb Squad for assistance. If the explosive is known to be military ordinance, an additional contact with the appropriate Military Explosive Ordinance Disposal unit should be requested through a bomb technician.

416.8 EVIDENCE

The only explosive materials allowed to be handled are:

- Common manufactured fireworks and firecrackers. (No large aerial fireworks). Homemade explosive materials, including fireworks, shall only be handled by certified bomb technicians. Fireworks or suspected firework of any kind shall be photographed and then submitted to the Bomb Squad for disposal and shall not at any time be submitted or stored inside any evidence locker.
- Small arms ammunition. Ammunition may be booked into evidence, but may not be booked in the same packaging as any clip/magazine and/or firearm itself. The only exception to packaging ammunition separately from any clip/magazine is if the ammunition needs to be processed for fingerprint evidence. If so, the ammunition should be left in the magazine to prevent evidence contamination. Once the forensics examiner fingerprints the ammunition, the ammunition and clip/magazine will be booked back into evidence in separate packaging.
- Manufactured, not homemade, sealed containers of black powder. Containers of black powder and/or the black powder itself shall not at any time be submitted or stored inside any evidence locker. The item shall be photographed and then turned over to the bomb technician for disposal.
- Components of devices that have been rendered safe by certified bomb technicians. Components of explosive devices that are not explosive materials in and of themselves, may be booked into evidence after being rendered safe by a certified bomb technician. Any component consisting of an explosive material will be photographed, if the bomb technician determines it is safe to do so, and then turned over to a bomb technician for disposal.
- Photographs should be taken, if possible, of components and devices that have to be destroyed by certified bomb technicians. These photos shall be booked into evidence and may be needed for investigation/prosecution.

416.9 DETERIORATING/ OLD EXPLOSIVE MATERIALS

Dynamite and other explosives containing nitroglycerin and certain acids can, over time, deteriorate and become hypersensitive to movement, shock, or other hazards that result in an unexpected detonation.

Any deteriorating or old explosive or acid which can be a hazard to handle shall not be touched, moved, or transported by anyone other than a certified bomb technician. The bomb technician shall determine the method of disposal of these items.

Evidence technicians will notify the certified bomb technicians of any hazardous materials inadvertently booked into evidence.

416.10 TRAINING OF BOMB TECHNICIANS

Bomb technicians shall adhere to the F. B. I. Bomb Technician Training Standards, train on a regular basis, including re-certifications, and attend area bomb technician meetings in order to maintain their proficiency and certifications..

418 – Response to Mentally Ill and Persons in Crisis

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers are investigating and handling calls for persons in crisis or who are mentally ill or suspected of being mentally ill and when officers may place an individual under protective custody for a civil commitment.

418.2 POLICY

It is the policy of the West Valley City Police Department to provide guidelines for the recognition of persons suffering from mental illness as well as guidelines for how to deal with them most effectively.

418.3 DEFINITIONS

Mental Illness – A medical condition that disrupts a person's thinking, feeling, mood, ability to relate to others and daily functioning that often results in diminished capacity for coping with the ordinary demands of life. Mental illness can affect persons of any age, race, religion or income. A subject may suffer from mental illness if he/she displays an inability to think rationally, exercise adequate control over behavior or impulses (i.e. aggressive, suicidal, homicidal, sexual), and/or take reasonable care of his/her welfare with regard to basic provisions for clothing, food, shelter or safety.

Application for civil commitment- "Pink Sheet", the process of placing a person suffering from a mental illness crisis, or narcotics based psychosis, where the officer observes behavior, or speech that leads the officer to believe the person is a danger to themselves or others. A probable cause standard must be met before a person may be taken to a mental health treatment center or hospital emergency room.

Crisis – Any situation in which a person's ability to cope is exceeded.

Crisis Intervention Team (CIT) – West Valley City Police Department personnel with specialized training to investigate and provide resources to people in crisis who may be suffering from a defined mental illness and/or other calls of crisis not related to mental illness.

418. 4 AUTHORITY

If an officer observes a person involved in conduct that gives the officer probable cause to believe that the person is mentally ill and because of that mental illness, there is a substantial likelihood of serious harm to that person or others, the officer may take that person into protective custody.

The officer shall arrange for a medical transport vehicle to transport the person to the designated facility of the appropriate local mental health authority, either on the basis of his/her own observation or on the basis of a mental health officer's observation reported to him/her by that mental health officer. The officer shall place the person in the custody of the local mental health authority and make application for commitment.

418.4.1 VOLUNTARY EVALUATION

If Officers encounter an individual who may qualify for a civil commitment, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Offer a medical transport vehicle to transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

(d) Officers may conduct a courtesy transport for the citizen to a local mental health facility or emergency room for compliant persons wishing to voluntarily commit themselves.

418.5 CRISIS INTERVENTION TEAM (CIT) PROCEDURES

(a) The Crisis Intervention Team (CIT) is comprised of volunteer officers within the Department who have received special training in crisis intervention involving the mentally ill.

(b) Whenever possible, a CIT officer will be dispatched to provide direction and be the primary contact during police response to incidents involving persons in crisis or who are believed to be mentally ill.

(c) When a call is received and can be determined that it likely involves a person suffering a mental health crisis and/or it involves mentally ill individuals, the Valley Emergency Communications Center (VECC) will dispatch the necessary patrol units and the nearest CIT unit, if available.

(d) If a CIT officer is not on scene the officers at the scene shall evaluate the situation, and based upon the information and circumstances known at that time, shall determine if the situation warrants response of a CIT officer.

(e) If a CIT officer is requested to assist, or is initially dispatched, on arrival, the CIT officer(s) shall have and maintain on-scene responsibility unless otherwise directed by a supervisor.

(f) CIT officers will respond from their normal work assignments.

(g) CIT officers shall:
   1. Be trained to recognize whether a person is mentally ill or developmentally disabled.

   2. Be trained in the area of less lethal weapons and de-escalation techniques.

3. Attend and successfully complete required training.

(h) Fire Department personnel do not conduct mental health evaluations. If the person requires a mental health evaluation, the officer should have the Mobile Crisis Outreach Team (MCOT) respond; or, if the person is a danger to themselves or others, and the person is not compliant, the officer will arrange transport with the Fire Department to an appropriate medical facility. (See Transportation § 418.7)

418.6 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may be suffering from a mental illness crisis or qualify for civil or an involuntary commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's actions or stated intention.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for people with mental health issues who are suspected of committing minor crimes or creating other public safety issues.

418.7 TRANSPORTATION

If a medical problem is observed requiring transport or if application for civil commitment is appropriate, the person shall be transported in a medical vehicle. If a medical transport vehicle is unavailable, officers may transport individuals who do not require direct medical observation during transport in a patrol vehicle if the person is compliant, or requesting voluntary commitment. If a medical transport vehicle is unavailable, officers may transport individuals who do not require direct medical observation during transport in a patrol vehicle. Officers shall obtain the approval of a supervisor prior to transporting an individual to a mental health facility in a patrol vehicle. Officers transporting individuals in a patrol vehicle shall secure the individual in accordance with the Handcuffing and Restraints Policy, § 306.

When transporting any individual for a courtesy transport, or a voluntary commitment, the transporting officer should have the Valley Emergency Communications Center (VECC) notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences. Otherwise the officer will immediately follow the medical transport vehicle maintaining custody of the person being transported.

If MCOT, or other mental health care response team responds to the scene and determines that application for civil commitment is appropriate. That agency shall conduct the commitment application and may determine method of transport as per their policies and guidelines.

418.8 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.9 DOCUMENTATION

The officer should complete an application for commitment, provide it to the facility staff member assigned to the individual and retain a copy of the application for inclusion in the case report. If MCOT or another mental health resource agency is called to the scene for an evaluation of the person in crisis, the officer shall document in his/her report who responded and what actions were taken by that agency to include transportation of the subject if applicable.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

418.10 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil mental commitment should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

(e) Follow the applicable policy for detainee transportation in Policy § 307.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this Department to regain custody of the individual, Department resources (e.g., posting a guard) and other relevant factors in making this decision

418.11 FIELD CONTACT, INTERVIEW AND/OR INTERROGATION

Whenever a member contacts a person in the field or in an interview and/or interrogation setting the following should be considered:

(a) The subject's state of mind and ability to answer the officer's questions appropriately.

1. If an officer believes that the subject is suffering from a mental illness and that the illness has contributed to the circumstances surrounding the reason for contact, an effort will be made to have a CIT certified officer respond to the scene.
2. If the subject's state of mind is in question or they cannot answer questions appropriately, an interview should not be conducted.

(b) Officers should refrain from tactics meant to confuse the subject.

(c) In the case of an interview or interrogation, officers need to take care to ensure that the waiver of Miranda rights is knowing, intelligent and voluntary.

418.12 FIREARMS AND OTHER WEAPONS

Whenever an individual has been taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns, or has access to any firearm or any other deadly weapon Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before seizing weapons or entering a residence or other place to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

The handling officer should further advise the individual of the procedure for the return of any firearm or other deadly weapon which has been taken into custody.

418.13 TRAINING

The Department will provide documented refresher training on interacting with mentally disabled persons, civil commitments and crisis intervention for all agency personnel on an annual basis.

420 - Cite and Release

420.1 PURPOSE AND SCOPE

Utah Code 77-7-18 allows law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Utah Code 77-7-18. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.

(b) A jail release is when a violator is released after being transported to the jail and booked.

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of the Department, except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

420.2.2 LEGISLATIVE PRIVILEGE

Members of the Legislature shall not be subject to arrest during each general and special session of the Legislature or for 15 days immediately preceding and following each session, except for any felony, treason or breach of the peace. Legislators may be issued a citation and a summons to appear at a date outside of the time of legislative privilege (Utah Constitution Article VI § 8).

420.3 DEPARTMENT PROCEDURE

The following procedures will be followed to comply with Utah Code 77-7-18.

420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation

provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present.

Officers may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate. A legible right index fingerprint should be obtained to facilitate a criminal history entry by the Bureau of Criminal Identification (BCI).

420.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail. Any post booking jail release shall be conducted by the Salt Lake County Sheriff's Office personnel and conform to their rules, regulations and procedures.

420.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor may be released on a Notice to Appear Form unless one of the following situations is present:

(a) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety.

1. An arrestee shall not be released from custody for the sole purpose of allowing that person to obtain medical care with the intention of immediately re-arresting the same individual upon discharge from the hospital unless it can be determined that the hospital can bill and collect from a third-party payment source.

(c) There are one or more outstanding arrest warrants for the person.

(d) The person could not provide satisfactory evidence of personal identification.

(e) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested (Utah Code 77-7-2(3)(b)).

(f) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested (Utah Code 77-7-2(3)(c)).

(g) The person arrested demands to be taken before a magistrate.

(h) The magistrate with jurisdiction has issued a standing written order mandating a custodial arrest for a person who has refused to sign a Notice to Appear Form.

(i) There is reason to believe that the person would not appear at the time and place specified in the Notice to Appear Form. The basis for this determination shall be specifically stated (Utah Code 77-7-2(3)(a)). The person's refusal to sign the citation, in and of itself, does not meet this requirement.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the Booking Form. This form shall be submitted to the Watch Commander for approval and included with the case file in the

Records Section.

420.3.4 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she asks the defendant to sign the Notice to Appear Form, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

The officer shall also advise the defendant that his/her signature is not an admission of guilt.

420.4 RELEASE BY A MAGISTRATE ON MISDEMEANOR WARRANTS

Utah Rules of Criminal Procedure Rule 6(c) allows the release on a summons, by a magistrate, of a person designated in a warrant of arrest when:

(a) It appears to the magistrate that the accused will appear on a summons.

(b) There is no substantial danger of a breach of the peace.

(c) There is no substantial danger of injury to persons or property.

(d) There is no substantial danger to the community.

Release under this section shall be done in accordance with the provisions of this section.

420.5 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of Utah Code, Title 41
- If the person cited is under 18-years of age, and if any of the charges allege a violation of Utah Code, Title 41, the court shall promptly mail a copy of the citation or a notice of the citation to the address as shown on the citation, to the attention of the parent or guardian of the defendant (Utah Code 77-7-21(1)(d))
- Violations of the West Valley City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigation Section for further action including diversion.

420.6 REQUESTING CASE NUMBERS

Cases involving a criminal citation release shall include a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Utah Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

422 - Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 30 of the Vienna Convention on Consular Relations, operative as to the United States on December 24, 1969, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in Table 1 (appendix) or the Department of State https://travel.state.gov/content/travel/en/consularnotification/QuarantinedForeignNationals/countries-and-jurisdictions-with-mandatory-notifications.html.
More information and manuals for consular notification are available at: https://travel.state.gov/content/travel/en/consularnotification.html.

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies, consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized, and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude
U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to Foreign Service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Utah but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official-acts. This official acts immunity must be raised as an affirmative defense in the court of jurisdiction; and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity; however, any family member who enjoys a higher level of immunity is issued an identification card by the Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

Currently, there is one Consulate Office in Utah, which is the Consulate of Mexico.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are 6 honorary consuls in Utah:

- Honorary Consul of Brazil
- Honorary Consul of El Salvador
- Honorary Consul of South Africa
- Honorary Consul of Spain
- Honorary Consul of Uruguay
- Honorary Consul of New Zealand

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying foreign service personnel.

They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, foreign service personnel should also have a driver's license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or foreign service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white and blue license plate. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words diplomat or consul. Vehicles owned by honorary consuls are not issued OFM license plates but may have Utah license plates with an honorary consul label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating US as the state, if the officer has reason to question the legitimate possession of the license plate.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant.

(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear Form for later reference. Do not include on the face of the Notice to Appear Form.

(c) The claimant shall be requested to sign the Notice to Appear Form. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.

(d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear Form. The word Refused shall be entered in the signature box, and the violator shall be released.

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear Form, but a signature shall not be required if their immunity status is uncertain.

(f) All other claimants are subject to the provisions and any policy outlined in this chapter.

(g) The violator shall be provided with the appropriate copy of the Notice to Appear Form.

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in § 422.6.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others).

A supervisor shall be promptly notified and should respond to the scene when possible. Field verification of the claimant's identity is to be attempted as follows:

(a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, when the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of the Foreign Missions Los Angeles, CA
(310) 235-6292, Ext. 121 or 122
(310) 235-6297 FAX
(0800-1700 PST)
Office of Foreign Missions

Diplomatic Motor Vehicle Office
Washington D.C.
(202) 895-3521 (Driver License Verification) or
(202) 895-3532 (Registration Verification) (202) 647-1512
(202) 895-3533 FAX
(0815-1700 EST)

Department of State
Diplomatic Security Service Command Center
(202) 647-7277
(202) 647-1512
(Available 24 hours)
(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver's licenses issued by the Department of State; and the Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

ll facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest Report, Arrest Report and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions that possess a Department of State OFM Diplomatic Driver's License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) along with the claimant's title, country and type of identification presented should be recorded in the narrative portion of the report. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in § 422.5.

422.6.1 VEHICLES

Vehicles that are owned by subjects with full immunity, may not be searched, stored or impounded without the owner's permission (Such permission may be assumed if the vehicle has been stolen). These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity

claimant shall be forwarded to the office of the Chief of Police within 48 hours whether the claim is verified. The words Immunity Claim shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Watch Commander/supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. Notification to the Department of State and completion of necessary follow-up will be verified by the office of the Chief of Police.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time.

Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the

individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the supervisor who completes the booking approval shall notify the appropriate embassy/consulate with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, the supervisor who completes the booking approval shall, as soon as practicable, notify the embassy/consulate regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website at http://travel.state.gov/law/consular/consular_5125.html .

422.7.2 DOCUMENTATION

Officers shall document in the narrative of the appropriate Initial Report the date and time the embassy/consulate was notified of the foreign national's arrest/detention and his/her claimed nationality.

423 - Immunity from Arrest

423.1 PURPOSE AND SCOPE

Certain classes of persons during certain times generally receive immunity from arrest. This policy is a guideline in respect to persons who may be immune from arrest.

423.2 STATE LEGISLATORS

Fifteen days previous to the start of the current legislative session, during the term of the current legislative session, and fifteen days after the end of the current legislative session, members of the State Legislature shall be privileged from custodial arrest except for treason, a felony, or a breach of the peace. (Utah Constitution Article VI,8:)

423.3 MEMBERS OF CONGRESS

Members of Congress may not be detained for the issuance of a citation while they are in transit to or from the Congress of the United States.

If a member of Congress is stopped for a traffic infraction, he/she shall, upon presentation of valid credentials, be immediately released. The officer may then obtain a citation for the member of Congress covering the observed violation and make arrangements to serve the citation at a time when the member of Congress is not in transit to or from Congress, or on official business.

423.4 VOTERS ON ELECTION DAY

In all cases, except those of treason, a felony or felonies, or a breach of the peace, voters shall be privileged from arrest on the days of election, during their attendance at elections, and going to and returning there from. (Utah Constitution, Article IV,3)

424 - Active Threat Incident Response

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

The policy of the Department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of the Department and others.

(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether the officers' location and plan of action has been relayed and acknowledged by Dispatch.

(e) If the situation requires additional police personnel, mutual aid requests should be made in accordance to Policy §352, Mutual Aid and Outside Agency Assistance.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(h) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(i) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer shall take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

(j) If injured parties are located, their location and what medical needs may exist.

(k) As soon as reasonably safe and practical, a rescue team will be organized and deployed to evacuate injured parties.

(l) Depending on the number of injured parties, local hospitals may be contacted and apprised of the situation. Additional police resources may be utilized to ensure safety.

424.4 PRIORITIZING INITIAL RESPONSE

During an active threat incident, officers will be required to constantly assess the situation and prioritize their response based on the available resources and the incident at hand. As indicated above, the first priority is to incapacitate the active threat(s).

Once this objective has been addressed other considerations include; deciding whether to shelter potential victims in place or encourage them to evacuate, delivering initial first aid, evacuating the wounded, containing/managing the overall incident, establishing incident command, and securing the area as a crime scene. Addressing these priorities during the initial sequences of an incident is left to officers at the scene based on current best practices, available resources, and the best information at the time.

424.5 PUBLIC NOTIFICATION

During the initial phases of an active threat incident, the Public Information Liaison will work with Valley Emergency Communications Center (VECC) and the media to notify the public of the threat as soon as practicable to prevent further casualties and to inform the public where they may obtain additional information. In the event the Public Information Liaison is not readily available, the highest-ranking supervisor available will be responsible for making these notifications.

Notification may include, but is not limited to, traditional media outlets, social media, and/or emergency broadcast systems.

424.6 TRAINING

It will be the responsibility of the Professional Standards Section Lieutenant to ensure that all sworn employees of the Department receive training on the response to active threats and rapid deployment teams. An annual review of this policy will be conducted and any future training needs will be identified and implemented as needed. A complete and thorough debrief of any incidents will also be conducted and reviewed for training purposes.

426 - Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on- or off-duty and occurring outside the jurisdiction of the West Valley City Police Department.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the officer shall notify Valley Emergency Communications Center before responding and thereafter notify a supervisor as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Prior to an officer taking any action beyond the limits of the officer's normal jurisdiction, the officer shall notify and receive approval of the local law enforcement authority, or if the prior contact is not reasonably possible, notify the local law enforcement authority as soon as reasonably possible (Utah Code 77-9-3(2)(a)).

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the West Valley City Police Department, shall notify his/her supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practical.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Section Commander.

426.1.3 DE-CONFLICTION

Prior to beginning an investigation into suspected criminal activity in jurisdictions outside of West Valley City, the lead investigator or their supervisor will contact the agency over that jurisdiction to ensure that there are no conflicting investigations occurring at the suspect location. In addition, the lead investigator will place the address on the appropriate Federal, State and local de-confliction data bases to ensure that conflicts with other Federal, State or local agencies do not exist.

Prior to the service of a search warrant in an outside jurisdiction, the lead investigator, their supervisor and/or the entry team leader will contact the appropriate agency to ensure that no conflict exists and will de-conflict the address on the appropriate Federal, State and local de-confliction data bases. This will be done even when de-confliction was done at an early point in the investigation. In addition, at least one hour prior to making entry on a search warrant the lead investigator, their supervisor or the entry team leader will notify the outside agency's Watch Commander to make them aware of the address and the time at which the warrant is expected to be served.

428 - Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of the Department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, U.S.C. dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C., §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, U.S.C.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

428.3.2 SWEEPS

The West Valley City Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of the Department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by an employee of the Department should be based upon the

reasonable belief that an individual is involved in criminal activity.

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation. A field supervisor shall approve all such arrests.

428.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail (Utah Code § 77-7-2 and Utah Code § 76-8-301.5).

428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

If an officer believes that an individual taken into custody for a felony is also an undocumented alien and after booking ICE may be informed by the arresting officer so that they may consider placing an immigration hold on the individual.

If an officer believes that an individual taken into custody for an offense other than a felony is also an undocumented alien, and the individual is not going to be booked into county jail, the arresting officer may cause ICE to be notified for consideration of an immigration hold. In making the determination whether to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

(a) Seriousness of the offense

(b) Community safety

(c) Potential burden on ICE

(d) Impact on the immigrant community

Generally, officers will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures. This does not prevent an officer from also notifying ICE of the booking.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

Immigration Violations

CALEA Standard(s):

The West Valley City Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. § 1373, 8 U.S.C. § 1644 and Utah Code § 67-5-28).

430 - Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City public works department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The Granger Hunter Water Improvement District's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the District's side of the meter, Granger Hunter Water Improvement District's emergency personnel should be called as soon as practical by Valley Emergency Communications Center.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The appropriate electric service company should be promptly notified.

430.1.3 RESERVOIRS, PUMPS, WELLS

Granger Hunter Water Improvement District maintains the reservoirs and public water equipment, as well as several other drainage pumps. In the event of flooding or equipment malfunctions, the district's emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Valley Emergency Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of West Valley contracts with the Utah Department of Transportation to furnish maintenance for all traffic signals within the City. UDOT shall be contacted for traffic signal malfunction and maintenance problems.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise Valley Emergency Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

432 - Patrol Rifles

432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the West Valley City Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless inspected by the Department Armorer and pre-approved in writing by the Chief of Police, his/her designee and the Department Armorer.

Only those officers assigned to the SWAT team may carry a Colt M4 Commando Model R0933 or any other fully automatic rifle.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the Department may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Colt M4/Commando.

- Any other rifle to be used will require inspection by the Department Armorer and approval by the Training Section Lieutenant and approval from the Chief of Police or his/her designee with a letter of authorization.

All ammunition to be used for duty purposes will be approved by the Training Section Lieutenant.

432.3.1 ALTERATIONS TO DEPARTMENT ISSUED RIFLES OR PERSONALLY OWNED RIFLES AUTHORIZED FOR DEPARTMENT USE

Any alterations to Department- issued rifles or personally owned rifles authorized for Department use will require an inspection by the Department Armorer and approval by the Training Section Lieutenant and approval in writing from the Chief of Police or his/her designee.

432.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Department Armorer, who shall inspect each patrol rifle on a yearly basis and service the patrol rifles as necessary.

(b) Each patrol officer carrying a patrol rifle will be required to field strip and clean an assigned patrol rifle as needed.

(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.

(d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.

(e) Each patrol rifle shall be subject to inspection by a supervisor or the Department Armorer at any time.

(f) No modification to Department issued rifles or personally owned rifles authorized for Department use will be authorized without an inspection and approval by the Department Armorer and written approval by the Training Section Lieutenant and from the Chief of Police or his/her designee.

432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial Patrol Rifle classroom and range training course. Officers shall thereafter be required to successfully complete annual qualifications conducted by a certified Patrol Rifle Instructor.

Any officer who fails to qualify or who fails to successfully complete the annual qualification sessions will no longer be authorized to carry the patrol rifle without successfully retaking the initial Patrol Rifle classroom and range training course and scored qualification exercise.

432.6 PROVISION OF WRITTEN DIRECTIVES

Any employee of the Department issued or authorized to use a firearm shall be provided copies of, and instruction in, those directives, policies, or procedures relating to the use of said weapons before being authorized to carry said weapons.

Documentation of the issuance of and instruction on the directives listed above shall be placed in the employee’s training file.

432.7 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

432.8 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Use of Force (§ 300) and Firearm Discharge (§ 304) policies.

432.9 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty, and a fully loaded magazine is inserted into the magazine well.

432.10 RIFLE STORAGE

(a) Patrol rifles are the responsibility of the assigned officer and will be stored in a safe and secure manner.

(b) Patrol rifles will not be left in an officer's assigned vehicle during vehicle maintenance or repair.

(c) Officers on extended leave, in excess of seven consecutive days, or on light duty will secure their patrol rifle in the department armory or secure location inside their residence.

(d) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.

(e) When off duty, officers will secure their patrol rifle in a secure location inside their residence.

434 - Aircraft Accidents

434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification and documentation.

434.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows.

434.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the medical examiner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this department may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

434.2.2 FEDERAL AVIATION ADMINISTRATION (FAA)

The FAA has the ultimate authority for the scene of an aircraft crash. The FAA is concerned with several aspects of a crash as described in this section.

Every effort should be made by officers at the scene of an injury or fatality to preserve all crash debris in its original condition and location until examined by personnel charged with determining the cause of the accident. Officers present at the location of an aircraft crash should treat the situation as a crime scene until it is determined that such is not the case. Once the injured parties are removed from danger, control of the accident scene is the responsibility of the Department until the arrival of FAA personnel who will conduct the investigation into the cause of the accident.

The aircraft accident may also be investigated by the National Transportation Safety Board in addition to the Federal Aviation Administration.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants and protecting the public from further danger. If possible, any intentions to tamper with or move an aircraft involved in an accident should be cleared with the FAA investigator in advance.

Military personnel will respond to take charge of any military aircraft involved, whether injuries or deaths have occurred. In any military aircraft accident, officers should be aware of the possibility of military ordinance being present. Officers shall protect such ordinance from the public, and avoid handling, disturbing, removing, or any other action that may cause detonation of any military ordinance. If necessary officers will be posted at a safe distance from such ordinance to prevent other officers, fire personnel, or other responding personnel from harm until the appropriate military ordinance disposal unit arrives.

If military ordinance or suspected ordinance is present at the accident scene notification of the appropriate military ordinance disposal unit shall be made as soon as possible. Upon their arrival the control of that aspect of the investigation shall their responsibility.

If no injury or death results and the FAA elect not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the FAA or military authorities, or at the discretion of the pilot or the owner, if the FAA is not responding for an on-site investigation.

434.2.3 VALLEY EMERGENCY COMMUNICATIONS CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire department.

(b) The affected airport tower.

(c) Closest military base if a military aircraft is involved.

(d) Ambulances or other assistance as required.

When an aircraft accident is reported to the Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the FAA Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

434.2.4 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the Utah Department of Transportation, Division of Aeronautics.

(b) Forward a copy of the report to the Patrol Section Commander and the manager of the affected airport.

434.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or designee.

(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the media.

434.3 DOCUMENTATION

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.

434.4 AIRCRAFT ACCIDENTS INVOLVING CRIMINAL OR TERRORIST ACTS

Aircraft accident scenes involving criminal or terrorist acts, or the scene indicates the possibility that suspected criminal or terrorist acts are involved, shall be treated as a crime scene. The Federal Bureau of Investigations Section, the Department of Homeland Security, the Federal Aviation Administration and the National Transportation Safety Board shall be notified as soon as possible.

After treatment and removal of all injured persons, if any, primary jurisdiction of the scene shall revert to the appropriate federal investigative agency upon their arrival. The department will provide any appropriate assistance to these agencies.

436 - Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Program is intended to provide a standardized program to facilitate the officer's transition from an academic setting to the actual performance of general law enforcement duties of the West Valley City Police Department.

It is the policy of the Department to assign all new police officers to a structured Field Training Program that is designed to prepare the new officer to perform in a patrol assignment, and acquire the necessary skills to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer with proven abilities to train and evaluate entry level and lateral police officers in the application of their previously-acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Professional competence.
(b) Teaching abilities and a desire to train.
(c) Demonstrated ability as a positive role model.
(d) Professional ethics.
(e) Positive organizational citizenship.
(f) Productive work ethic.
(g) Evaluation by supervisors.

436.2.2 TRAINING

An officer selected as an FTO shall successfully complete a course of training outlined by the Training Unit.

436.3 FIELD TRAINING OFFICER PROGRAM COORDINATOR

The Field Training Officer Program Coordinator will be selected by the Professional Standards Section Lieutenant unless otherwise specified by the Chief of Police.

The responsibilities of the FTO Program Coordinator include the following:

(a) Maintain liaison responsibilities with POST Academy staff to monitor cadet performance.
(b) Assignment of Officers in Training (OITs) to FTOs.
(c) To monitor each OIT's progress by reviewing Daily Observation Reports (DORs) and Supervisor's Weekly Reviews (SWRs).
    1. Counseling OITs when serious or repetitive deficiencies are noted.

2. Forwarding recommendations and reports on OIT progress, retention, and termination to the Training Unit Sergeant.
3. To track, receive and maintain the SWRs.

(d) To monitor the performance of FTOs, as trainers, through evaluations prepared by OITs with input from each FTO's supervisor.
1. Counseling FTOs relative to training matters and teaching techniques.
2. Forwarding recommendations to the Training Unit Sergeant relative to FTO performance and retention.

(e) Continuous evaluation of the FTO program to ensure compliance with the expectations and standards set by the Department.

(f) Maintain records of FTO performance and evaluation.

(g) Coordination of training for all FTOs and OITs, to include:
1. Development and scheduling of periodic training for FTOs, including the organization and development in initial FTO training.

(h) Maintain and update FTO program management software.

436.4 OFFICER IN TRAINING (OIT) DEFINED

Any entry level or lateral police officer newly appointed to the West Valley City Police Department who has successfully completed a POST-approved Basic Academy.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the OIT's demonstrated performance and level of experience. However, the field training program for both lateral and entry level officers will be at least four weeks in length, including the classroom or In-house Academy portion of the program.

To the extent practical, entry level and lateral officers should be assigned to a variety of FTOs, shifts and geographical areas during their Field Training Program.

436.5.1 PROGRAM MANAGEMENT SOFTWARE

Each new OIT will be issued login credentials for program management software, at the beginning of the FTO program. Program management software outlines the subject matter and/or skills necessary to properly function as an officer with the West Valley City Police Department. The OIT shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the program management software.

436.5.2 REMEDIAL TRAINING

OITs who fail to demonstrate proficiency in the subject matter or skills outlined in the program management software shall be provided remedial training. The FTO will note significant or repetitive deficiencies in the OIT's Daily Observation Report(s) and will include what remedial training has been attempted to improve the OIT's performance. The FTO will then notify the FTO Program Coordinator and his/her immediate supervisor of the deficiency.

The FTO Program Coordinator will review the OIT's training records and determine what, if any, additional means of training are necessary to attempt to reach proficiency.

If the FTO Program Coordinator determines that sufficient remedial training has been provided, yet remains unsuccessful, he/she will forward this information up his/her chain of command to determine recommendations regarding whether or not the OIT should remain in the Field Training Program.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Daily completion of the DOR on the performance of his/her assigned OIT forwarded to the FTO Program Coordinator

(b) Review the DOR with the OIT each day.

(c) Sign off all completed topics contained in the Field Training Checklist.

(d) Ensure all phase requirements are complete and approved prior to recommendation of phase advancement to the FTO Program Coordinator.

(e) FTOs will have limited supervisory responsibilities and will generally act in a training capacity as assigned by the FTO Coordinator. FTOs will ensure the completion of assigned OIT timecards as well as compliance at mandatory Department training courses.

(f) An FTO will be wearing the FTO patch ¼ inch below the Department patch on each sleeve.

(g) The FTO is under the direct supervision of his/her shift sergeant with FTO Coordinator oversight and direction relative to OIT training matters.

(h) The FTO is responsible for developing the potential of each OIT through instruction, counseling and practical application of the basic job skills needed to perform competently as a West Valley City police officer.

(i) The FTO is responsible for the complete, accurate and prompt evaluation of each OIT in his/her charge. FTOs will document progress for each OIT and notify the FTO Coordinator and shift sergeant of any significant or repetitive deficiencies in training or inability to meet program standards.

436.6.1 OFFICER IN TRAINING (OIT)

The OIT shall submit a confidential performance evaluation on each of their FTOs to the FTO Program Coordinator.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and/or program management software. Documentation will consist of the following:

(a) Daily Observation Reports (DORs).

(b) Sergeant's Weekly Reviews (SWRs).

(c) Watch Commander phase meeting with attached IDC

(d) FTO Checklist.

(e) In-house academy documents and training activities

(f) Any other written documents completed by the OIT, FTO(s) and supervisors regarding the performance of the OIT.

436.7.1 SUPERVISOR RESPONSIBILITIES

(a) The shift sergeant will conduct weekly progress interviews with the FTOs and OITs they supervise. During the progress interview, the shift sergeant will ensure DORs and Field Training Checklist items are completed in accordance with phase timelines. Deficiencies should be addressed with the FTO and in partnership with the FTO Coordinator.

(b) The shift sergeant will complete a Supervisor Weekly Report (SWR) and forward it to the FTO Coordinator with copies to the FTO's chain of command.

(c) The SWR will include comments regarding the OIT's performance that the shift sergeant is expected to personally observe on a weekly basis, along with a summary of the OIT's performance as described by the FTO and OIT during the weekly interview.

(d) The shift watch commander will conduct one meeting per phase with each OIT that reports to his/her shift. The watch commander should focus the meeting on professional development of the OIT, experience in the FTO program and goals and mission of the agency. The watch commander will draft an IDC documenting the topics covered in the meeting and forward to the FTO Coordinator.

(e) The FTO will make a recommendation to the shift sergeant and FTO Coordinator when they feel that the OIT is ready to advance from one phase to the next. The FTO Coordinator will review the OIT's program management software documentation and make a recommendation of advancement to the Training Unit Sergeant. The Training Unit Sergeant will approve the movement of OITs from phase to phase.

(f) The Training Unit Sergeant will notify the Professional Standards Section Lieutenant of any significant or repetitive OIT deficiencies. The Professional Standards Section Lieutenant will notify the Professional Standards Bureau Deputy Chief of deficiencies that result in phase regression or potential failure to successfully complete the program.

(g) The Professional Standards Section Lieutenant will work in partnership with the FTO Coordinator and Training Unit Sergeant to ensure finalization is appropriate. If affirmed, the Professional Standards Section Lieutenant will notify the Operations Bureau Deputy Chief of OIT finalization. The Operations Bureau Deputy Chief will assign the OIT to a full duty assignment. If not affirmed, the Professional Standards Section Lieutenant will make notification to the Professional Standards Bureau Deputy Chief.

(h) The Training Unit Sergeant will prepare a quarterly and annual report regarding the status of the FTO program and its participants. The report will be forwarded to the Professional Standards Section Lieutenant.

436 - Field Training Officer Program

436.1 PURPOSE AND SCOPE

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436.2.2 TRAINING

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To the extent practical, entry level and lateral officers should be assigned to a variety of FTOs, shifts and geographical areas during their Field Training Program.

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436.5.2 REMEDIAL TRAINING

OITs who fail to demonstrate proficiency in the subject matter or skills outlined in the program management software shall be provided remedial training. The FTO will note significant or repetitive deficiencies in the OIT's Daily Observation Report(s) and will include what remedial training has been attempted to improve the OIT's performance. The FTO will then notify the FTO Program Coordinator and his/her immediate supervisor of the deficiency.

The FTO Program Coordinator will review the OIT's training records and determine what, if any, additional means of training are necessary to attempt to reach proficiency.

If the FTO Program Coordinator determines that sufficient remedial training has been provided, yet remains unsuccessful, he/she will forward this information up his/her chain of command to determine recommendations regarding whether or not the OIT should remain in the Field Training Program.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Daily completion of the DOR on the performance of his/her assigned OIT forwarded to the FTO Program Coordinator

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(d) Ensure all phase requirements are complete and approved prior to recommendation of phase advancement to the FTO Program Coordinator.

(e) FTOs will have limited supervisory responsibilities and will generally act in a training capacity as assigned by the FTO Coordinator. FTOs will ensure the completion of assigned OIT timecards as well as compliance at mandatory Department training courses.

(f) An FTO will be wearing the FTO patch ¼ inch below the Department patch on each sleeve.

(g) The FTO is under the direct supervision of his/her shift sergeant with FTO Coordinator oversight and direction relative to OIT training matters.

(h) The FTO is responsible for developing the potential of each OIT through instruction, counseling and practical application of the basic job skills needed to perform competently as a West Valley City police officer.

(i) The FTO is responsible for the complete, accurate and prompt evaluation of each OIT in his/her charge. FTOs will document progress for each OIT and notify the FTO Coordinator and shift sergeant of any significant or repetitive deficiencies in training or inability to meet program standards.

436.6.1 OFFICER IN TRAINING (OIT)

The OIT shall submit a confidential performance evaluation on each of their FTOs to the FTO Program Coordinator.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and/or program management software. Documentation will consist of the following:

(a) Daily Observation Reports (DORs).

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(c) Watch Commander phase meeting with attached IDC

(d) FTO Checklist.

(e) In-house academy documents and training activities

(f) Any other written documents completed by the OIT, FTO(s) and supervisors regarding the performance of the OIT.

436.7.1 SUPERVISOR RESPONSIBILITIES

(a) The shift sergeant will conduct weekly progress interviews with the FTOs and OITs they supervise. During the progress interview, the shift sergeant will ensure DORs and Field Training Checklist items are completed in accordance with phase timelines. Deficiencies should be addressed with the FTO and in partnership with the FTO Coordinator.

(b) The shift sergeant will complete a Supervisor Weekly Report (SWR) and forward it to the FTO Coordinator with copies to the FTO's chain of command.

(c) The SWR will include comments regarding the OIT's performance that the shift sergeant is expected to personally observe on a weekly basis, along with a summary of the OIT's performance as described by the FTO and OIT during the weekly interview.

(d) The shift watch commander will conduct one meeting per phase with each OIT that reports to his/her shift. The watch commander should focus the meeting on professional development of the OIT, experience in the FTO program and goals and mission of the agency. The watch commander will draft an IDC documenting the topics covered in the meeting and forward to the FTO Coordinator.

(e) The FTO will make a recommendation to the shift sergeant and FTO Coordinator when they feel that the OIT is ready to advance from one phase to the next. The FTO Coordinator will review the OIT's program management software documentation and make a recommendation of advancement to the Training Unit Sergeant. The Training Unit Sergeant will approve the movement of OITs from phase to phase.

(f) The Training Unit Sergeant will notify the Professional Standards Section Lieutenant of any significant or repetitive OIT deficiencies. The Professional Standards Section Lieutenant will notify the Professional Standards Bureau Deputy Chief of deficiencies that result in phase regression or potential failure to successfully complete the program.

(g) The Professional Standards Section Lieutenant will work in partnership with the FTO Coordinator and Training Unit Sergeant to ensure finalization is appropriate. If affirmed, the Professional Standards Section Lieutenant will notify the Operations Bureau Deputy Chief of OIT finalization. The Operations Bureau Deputy Chief will assign the OIT to a full duty assignment. If not affirmed, the Professional Standards Section Lieutenant will make notification to the Professional Standards Bureau Deputy Chief.

(h) The Training Unit Sergeant will prepare a quarterly and annual report regarding the status of the FTO program and its participants. The report will be forwarded to the Professional Standards Section Lieutenant.

438 - Obtaining Air Support

438.1 PURPOSE AND SCOPE

The use of a law enforcement helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or designee, will call the closest agency having helicopter support available. The Watch Commander will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

440 - Field Interviews and Photographing of Field Detainees

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available at the time of the detention.

440.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity and is able to articulate those facts.

440.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

(c) The hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

440.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions (Utah Code 77-7-15).

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the West Valley City Police Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

1. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

440.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others (Utah

Code 77-7-16). Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry offensive or deadly weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in, or was about to become involved in, criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be entered into a criminal intelligence system in accordance to Policy § 442.3, Criminal Intelligence Systems, or retained in a temporary information file in accordance to Policy § 442.4, Temporary Information File.

440.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field

photographs shall be strictly limited to law enforcement purposes.

440.7 DISPOSITION OF PHOTOGRAPHS

If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

All non-evidentiary detainee photographs must be adequately labeled and treated as a temporary information file in accordance to Policy § 442.4, Temporary Information File.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Section in a separate non-booking photograph file in alphabetical order.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

440.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or designee to discuss the matter.

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and any West Valley City Police Department policy and, even if properly obtained, whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or designee determines that the photograph/FI was obtained in accordance with existing law and any Department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI

shall be retained according to this policy and applicable law.

If the Chief of Police or designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or any West Valley City Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to any Department policy and applicable law.

If the Chief of Police or designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or any West Valley City Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or designee determines that any involved West Valley City Police Department personnel violated existing law or any Department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police's determination of whether the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

442 - Criminal Intelligence

442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the West Valley City Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system – Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

442.2 POLICY

The West Valley City Police Department recognizes that certain criminal activities, including but not limited to gang crimes, human trafficking, vice/prostitution, use or possession of explosive devices, threats to public officials/private citizens, terrorism and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this Department to collect and share relevant information while respecting the privacy and legal rights of the public.

442.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained. Information containing Personally Identifiable Information (PII) will be appropriately handled and stored. Security classifications and handling instructions will be adhered to.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

442.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, Field Interview/Field Card (FI), photo or other relevant document into an authorized

criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure those documents are referenced in the criminal intelligence system. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the criminal intelligence system.

442.3.2 FILE REVIEW AND PURGING

The contents of the criminal intelligence system shall be maintained, reviewed and purged following the 28 CFR 23.20 standards as follows:

(a) The Information and Intelligence Unit (IIU) Sergeant or his/her designee shall be responsible for maintaining, reviewing and purging of the criminal intelligence records.

(b) Records should be reviewed once per year.

(c) If a record has not been updated within five (5) years, it shall be purged from the system.

442.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor or the authorized designee for entry into the criminal intelligence system.

442.4.1 TEMPORARY FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Investigations Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, VECC records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

442.4.2 TEMPORARY FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

442.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Intelligence Unit supervisor to train members to identify information that may be particularly relevant for inclusion.

442.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Release of Records and Information Policy, § 810.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

442.7 CRIMINAL STREET GANGS

The Special Operations supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

442.8 TRAINING

The Intelligence Unit supervisor should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

442.9 ANNUAL REVIEW

The supervisor of the Intelligence Unit will be responsible for reviewing the policies, procedures and processes related to the collection, handling, dissemination, and storage of criminal intelligence records and data bases on an annual basis.

444 - Watch Commanders

444.1 PURPOSE AND SCOPE

Patrol functions must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. A Lieutenant is responsible for accomplishing this goal while he/she is on duty.

444.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, a sergeant shall be designated as acting Watch Commander.

448 - Mobile Data Terminal Use

448.1 PURPOSE AND SCOPE

The Mobile Data Terminal (MDT) accesses confidential records from the Utah Department of Public Safety and Utah Division of Motor Vehicles databases. Employees using the MDT shall comply with all appropriate federal and state rules and regulations.

448.2 MDT USE

The MDT shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature, or otherwise critical of any member of the Department are strictly forbidden.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDT. Calls of a sensitive nature and calls that could jeopardized officer safety or operational security may be communicated by MDT alone. In addition to the officers responding on this type of call, the Watch Commander or field supervisor should also be made aware of the call.

448.2.1 USE WHILE DRIVING

It is recommended that, when practical, use of the MDT by the operator be limited to times when the vehicle is stopped. While the vehicle is in motion, it is recommended that the lid or screen be lowered to prevent distracting the operator and to allow for full view to the front and right of the vehicle by the operator. Due to officer safety and risk issues sending or reading MDT messages while a vehicle is in motion is not recommended.

If the vehicle is manned by two officers, the passenger officer should be responsible for sending and receiving messages and requests. An exception to this would be if the passenger officer is in the initial stages of the Field Training Process. Then the Field Training Officer should operate the MDT in accordance with Departmental Rules and Regulations.

448.2.2 DOCUMENTATION OF ACTIVITY

MDT's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDT.

448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDT system at the time of the status change.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDT.

448.2.4 EMERGENCY ACTIVATION ON MDT

If the emergency button is depressed on the MDT, the dispatcher will call the vehicle and ask if Code-4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the vehicle is not on a call, send available units to assist in locating the vehicle transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available vehicle Code-3.

(b) Notify the field sergeant and Watch Commander of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

448.3 MDT CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDT

Whenever possible, officers will not use units with malfunctioning MDTs. Whenever officers must drive a vehicle in which the MDT is not working, they shall notify Valley Emergency Communications Center. It shall be the responsibility of Valley Emergency Communications Center to record all information that will then be transmitted verbally over the police radio.

448.3.2 BOMB CALLS

When investigating reports of possible bombs refer to the use of mobile communication devices and radios in Policy 416 of this manual.

450 - Use of Audio/Video Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see Mobile Audio Video Procedure Policy).

450.2 POLICY

The West Valley City Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

450.5 ACTIVATION OF THE AUDIO RECORDER

Members should activate the recorder at any time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Utah law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission.

Members of the Department may surreptitiously record any conversation to which he/she is a party during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

450.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

450.8 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

450.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) By a supervisor investigating a specific act of officer conduct.

(b) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(c) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(d) By media personnel with permission of the Chief of Police or the authorized designee.

(e) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

454 - Bicycle Patrol

454.1 PURPOSE AND SCOPE

The West Valley City Police Department uses patrol bicycles for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. The quiet operation of the bicycles also can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

454.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Community Services Unit supervisor or the Watch Commander.

454.3 TRAINING

Officers using bicycles for patrol or other department related functions should successfully complete the Utah POST 32-hour basic training course or a Department-approved bicycle-training course after acceptance into the program. Thereafter officers using patrol bicycles should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

454.4 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the Department-approved bicycle uniform and safety equipment while operating the police bicycle. Safety equipment includes Department-approved helmet, riding gloves, protective eye wear and approved footwear. Soft body armor/vest is required.

Optional equipment includes a radio head set and microphone. In colder weather a jacket may be worn; turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining necessary forms, citation books and other equipment for use while on bike patrol.

454.5 CARE AND USE OF PATROL BICYCLES

(a) Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

(b) Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a Police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front lights and a siren/horn satisfying the requirements of Utah Code 41-6a-1114.

(c) Bicycles utilized for uniformed bicycle patrol should be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage and citations.

(d) Each bicycle gear bag should include a first aid kit, tire pump, repair tool, tire tube, security lock and equipment information and use manuals. These items are to remain with/on the bicycle at all times.

(e) Each bicycle should be equipped with a steady or flashing blue warning light that is visible from the front, sides or rear of the bicycle.

(f) Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

(g) If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the Community Services Unit sergeant for repair by an approved technician.

(h) Each bicycle should have regularly scheduled maintenance to be performed by a Department-approved repair shop/technician.

(i) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

(j) Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

(k) Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor or in the event of an emergency.

(l) Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

(m) Bicycles shall be properly secured when not in the officer's immediate possession.

454.6 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the Utah Code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions:

(a) In response to an emergency call.
(b) While engaged in rescue operations.
(c) In the immediate pursuit of an actual or suspected violator of the law.

458 - Foot Pursuit

458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objectives of apprehending the suspect with the risk of potential injury to the officer, the suspect or the public.

458.2 POLICY

It is the policy of the Department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the suspect or the public.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

458.3 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual who the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion of the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk therefore no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Canine search.

(c) Saturation of the area with patrol personnel.

(d) Air support.

(e) Apprehension at another time when the identity of the suspect is known, or there is

information available that would likely allow for later apprehension and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

458.4 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public if the suspect is not immediately apprehended), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a responsible supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) When the officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspects should a confrontation occur.

(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with Valley Emergency Communications Center or with backup officers.

(h) The suspect enters a building, structure, confined space, wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinate containment, pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel able to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness, or other conditions.

458.5 RESPONSIBILITIES IN FOOT PURSUITS

458.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress the pursuit. When acting alone and when practicable the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier.

(b) Location and direction of travel.

(c) Reason for the foot pursuit.

(d) Number of suspects and description.

(e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify communications with his/her location, the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect) and direct further actions as reasonably appear necessary.

458.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit all other officers should minimize non-essential radio traffic in order to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with all Department policies based upon available information and his/her own observations.

458.5.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit the responsible supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor shall terminate the foot pursuit at any time he/she concludes that the danger to pursuing officers or the public outweighs the objective of immediate apprehension of the suspect.

Upon the apprehension of the suspect the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

458.5.4 VALLEY EMERGENCY COMMUNICATIONS CENTER RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, communications personnel shall, as soon as practical, notify the field supervisor and provide available information. Communication personnel are also responsible for the following:

(a) Clear the radio channel of non-emergency traffic.

(b) Repeat the transmissions of the pursuing officer as needed.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Relay all pertinent information to responding personnel.

(e) Contact additional resources as directed by a supervisor.

(f) Coordinate response of additional resources to assist with the foot pursuit.

458.6 REPORTING

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

459 – Robbery in Progress / Just Occurred / Alarm

459.1 PURPOSE AND SCOPE

To set up an operating procedure to be used when responding to and investigating robbery in progress, robbery just occurred, and robbery alarms.

459.1.1 ROBBERY IN PROGRESS

(a) Duties of dispatcher

1. Transmit three alert tones and broadcast, "Robbery in Progress and give location including any available information as to business or residential, suspect/s description, weapon used, vehicle description etc."
2. Assign four units (if available) to secure corners of the location involved.
   (a) Car_____assigned to corner #1 (NW perimeter)
   (b) Car_____assigned to corner #2 (NE perimeter)
   (c) Car_____assigned to corner #3 (SW perimeter)
   (d) Car_____assigned to corner #4 (SE perimeter)
3. Broadcast all available information, descriptions, etc. as soon as it becomes available.

(b) Duties of assigned units.

1. All assigned units will respond as fast as safely possible. Units will not respond Code 3.
2. Take up assigned positions. If the assigned position is not accessible, the unit shall take another position and inform dispatch of his/her new location.
3. Units arriving should stay out of sight of the robbery location and assume a position to observe the scene. If a change in position will contain the incident better, the officer will move to that position and inform the dispatcher of the new position. The officer must be aware of cover and concealment in any position.
4. Officer/s will wait until the suspect/s leave the building/residence before attempting to apprehend them. This is to prevent the possibility of the suspects taking hostages and barricading themselves in the building/residence.
5. No officer shall enter the scene while the suspect/s are present inside the building/residence, unless necessary for the protection of life.
6. The first officer arriving will be in charge and give directions to other responding units. Upon the arrival of the field sergeant, he/she shall be in charge and continue giving appropriate directions as needed.
7. Primarily, Officers should keep in mind, the protection of human life; secondary, the

apprehension of the suspect/s.

8. Units will do all in their power to prevent a hostage situation.

459.1.2 ROBBERY/ HOMICIDE JUST OCCURRED

(a) Duties of Dispatcher.

1. Transmit three alert tones and broadcast, "Robbery/ Homicide just occurred and give location including any available information as to business or residential, suspect/s description, weapon used, vehicle description etc."
2. Assign three units to the call.
   (a) Car_____take the initial investigation.
   (b) Car_____take the scene security.
   (c) Car_____take perimeter investigation.
3. Broadcast all available information regarding suspect/s, weapons, vehicles, and direction as soon as it becomes available.

(b) Duties of assigned units.

1. All assigned units will respond Code 2 to the scene, keeping a lookout for the fleeing suspect/s or vehicles.
2. The initial assigned unit will be responsible for the initial phase of the investigation.
   (a) Take statements from victim/s and witnesses.
   (b) Take photographs and latent fingerprints when needed. Request Forensics if needed.
   (c) Request additional officers for assistance if needed. Notify detectives and administration if needed.
   (d) Update the field sergeant and/or watch commander on the investigation.
   (e) Update dispatch on new information about the suspect/s, vehicles, etc. so this new information can be broadcast to other officers and agencies.
   (f) Record and download an initial report including witness statements and book evidence.
3. The unit assigned scene security will:
   (a) Wear a department-approved traffic vest.
   (b) Establish a scene perimeter and allow only assigned authorized police personnel inside that perimeter.
   (c) Be stationed at the door or entrance to the scene. If there is no door or entrance, establish an entrance that all entering personnel shall use to maintain control of the scene.
   (d) Establish and maintain a log, including the officer's name, IBM, and time of entry /exit of the scene.
   (e) Protect evidence at the scene. Inform entering personnel as to location of such

evidence so it will not be disturbed and/or contaminated.

(f) If the scene is large and the officer is not able to secure it, request additional officers to assist.

(g) Remain at his/her post until relieved by the initial officer, field sergeant, detective, or watch commander.

(h) Record and download a supplementary report of the officer's observations and actions, including the log of all persons entering/exiting the scene.

4. The unit assigned to the perimeter investigation will:

(a) Investigate the path of flight of suspect/s.

(b) If suspect/s are located detain and notify dispatch and the field sergeant.

(c) Look for evidence left or discarded by the suspect/s.

(d) Locate and interview all possible witnesses.

(e) Conduct an area canvass of residences and businesses to locate any additional information and take statements. Establish and maintain a list of residences and businesses contacted.

(f) Record and download a supplemental report of the officer's observations and actions to include the list of residential and business contacts and any statements obtained.

5. The field sergeants and watch commanders have an overall responsibility to see that the initial investigation is handled correctly and completely. They will:

(a) Handle initial press relations at the scene.

(b) Notify detectives and administration if needed.

(c) Coordinate with dispatch to ensure that appropriate information is relayed to outside agencies.

6. All other unassigned units will:

(a) Look for fleeing suspects in their assigned beat areas.

(b) Concentrate on intersections and locations that fleeing suspects may use to escape the area.

(c) Assist by broadcasting any information they may have on the identity of the suspects/vehicles.

459.1.3 BUSINESS ROBBERY ALARMS

(a) Duties of dispatcher:

1. Assign two units.

2. Upon arrival of the units, dispatch will contact the business via telephone and ascertain if the alarm is valid or false and initiate Communications procedure #30a-78.

(a) The dispatcher will request the identity of the person who they are talking to.

(b) The Dispatcher will identify themselves as a Valley Emergency Communications Center dispatcher for West Valley City Police Department.

(c) The dispatcher will ask:

1. "Can you talk freely?"
2. "Are you being robbed?"

(d) If both questions are answered indicating that there is no robbery, the dispatcher will:

1. Tell the contact person that officers have arrived but will not enter.
2. Request the person to send someone out to meet with the officer. The name and description of that person will be obtained and broadcast to the waiting officers.
3. Request the officers specify the direction that the exiting person is to go after exiting the building and relay that to the contact person.
4. Keep the contact person on the phone until the alarm is verified false.

(e) If the answers to the questions raise doubt, the dispatcher will ask the person on the phone to:

1. Look around carefully and say nothing.
2. Look to see if anyone in the business appears to be nervous.
3. See if someone appears to be isolated.
4. Look for anything unusual.
5. Inform the waiting officers of the answers.

3. If a robbery is verified and the suspects have left, this information will be relayed to the field units and Communications Procedure #32-78 will be initiated.
4. If the person contacted or the field units indicate a robbery is still in progress, Communications Procedure #31-78 will be initiated.

(b) Duties of assigned units.

1. The first arriving unit should stay out of sight of the business and assume a position to observe the main entrance. The officer should be aware of possible lookouts and/or getaway cars.
2. This officer will direct the second unit to the next best position to be covered.
3. The initial unit may request additional units because of the physical layout of the building that requires additional coverage or whenever a robbery is confirmed.
4. When both units are in position, The initial officer will:

(a) Request the dispatcher to make the phone call into the business.

(b) After dispatch makes contact and the person informs the dispatcher the alarm is false. The dispatcher will relay this information to the officers.

(c) The dispatcher will relay the name and description of the exiting person to the officer.

(d) The initial officer will relay instructions to the dispatcher regarding the direction and where to meet the officer, for the exiting person to follow.

(e) The officer, when contacted by the exiting person, shall confirm that the alarm is false and then enter the business to check and confirm the false alarm.

(f) After the officer has confirmed the false alarm, he/she shall exit the business and go to a position where he/she can be viewed by the second officer who will then verify that the officer has exited the business.

(g) At this point the dispatcher will verify and broadcast the alarm as confirmed false.

5. The field sergeant or watch commander will respond to all robbery alarms when possible.

6. No initial report, just a short form report is required, unless the field sergeant or watch commander feels that one is necessary.

7. No patrol units will be allowed to call out on a lunch break until the alarm is cleared, without a field sergeant or watch commander's approval.

459.2 ALARM RESPONSE POLICY

In order to reduce or eliminate the costs that are passed on to the citizens of West Valley City because of wasted resources from responding to false alarms, the West Valley City Police Department will implement a limited response policy and will respond to alarms in the following circumstances.

(a) Burglar alarms.

1. Alarm signals generated by an electronic device such as door sensors, window sensors, glass break sensors, and motion detectors will require the response of a contracted private guard or other responsible person. If the guard or responsible person determines, after arriving at the location of the alarm, that a police response is needed, they will call the police directly and request police response.

2. Officers will respond to all alarms occurring at city owned facilities as the city is the responsible party.

3. Officers will respond to alarms in which the alarm company has made contact with someone at the alarm location who does not possess the correct code or is not authorized to be at that location.

(b) Robbery, duress, panic, or other manually activated alarm.

1. Two officers will be dispatched to all alarms in this category.

2. The police response may be canceled by the alarm company monitoring operator prior to the officer's arrival at the alarm site. In the event the alarm company cancels the response, the dispatcher shall log the name of the alarm company, monitoring operator, and call back phone number on each cancellation. Field supervisors have the option of having officers continue their response.

3. Upon arrival, and after all officers are in position, the primary officer will direct the manner in which the contact will be made with Representatives of the business.
4. Generally, this will be similar to section 459.1.3(a) and (b).
5. In the event of a robbery in progress section 459.1.3 shall be followed.

(c) Mobile security alarm reporting robbery, panic, or duress.

1. Officers will respond to a robbery, panic, or duress alarm signal from a mobile security alarm device only after the police complaint taker has spoken with the victim and/or determines that an emergency situation exists. It shall be the responsibility of the alarm central station monitoring operator to patch the person activating the alarm signal through to the police complaint taker in order for the call to be properly processed and prioritized.

462 - Automated License Plate Readers (ALPRs)

462.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the West Valley City Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

462.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Administration. The Administration Section Lieutenant will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

462.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or official investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) If practicable, the officer should verify an ALPR response through the Utah Department of Public Safety (DPS) law enforcement information system or other appropriate database before taking enforcement action that is based solely upon an ALPR alert.

(f) No ALPR operator may access the DPS database or other system unless otherwise authorized to do so.

462.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the West Valley City Police Department and because such data may contain confidential information, it is not open to public review. ALPR information gathered and retained by this department may be used and

shared with prosecutors or others only as permitted by law.

The Deputy Chief over Special Operations is responsible to ensure proper collection of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the minimum period established by department records retention guidelines and thereafter should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action. In no event shall data be maintained longer than nine months unless it is subject to a warrant, preservation request or disclosure order. Data that will not be purged should be downloaded from the server onto portable media and booked into evidence.

462.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The West Valley City Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

463 - Stand-By Assists

463.1 PURPOSE AND SCOPE.

The purpose of this policy is to establish guidelines for officers requested to stand-by on property recovery / civil matters. It will be the policy of the West Valley City Police Department to assist other agencies or citizens by standing-by and keeping the peace while specified and mutually agreed upon property is removed from private property. It should be understood that in most instances, civil processes regarding property rights fall within the jurisdiction of the County Sheriff's Office. When requested by outside agencies or private citizens, we will, however, respond to calls of a stand-by assist nature, with the intent of keeping the peace and enforcing the law.

(a) Officers assigned to stand-by assists must make every effort to prevent hostile interaction between potential adversaries in a property dispute.

(b) Initially, the officer must obtain a specific description of the property in question from the citizen or other officer prior to making the removal request.

(c) An Officer CANNOT authorize entry or removal of private property from an unoccupied facility or building. The requesting citizen should be advised to pursue civil processes to recover the property.

(d) If the occupant of the facility or building contests removal of the property, the officer must advise the requesting citizen or other officer to pursue civil processes to recover the property. In no event shall the officer decide ownership or possession of the property. The officer is there merely to keep the peace.

(e) If the occupant or possessor agrees to the removal of the property, the officer must determine the occupant or possessor's identity and authority to consent. If the occupant or possessor's identity or authority is questionable, the officer will discontinue the removal process. If the officer is satisfied that the occupant or possessor has the authority to consent, the officer will allow and supervise the removal of the specified property.

(f) If specified property is removed, the officer will complete a report identifying the parties involved, describe the specified property removed, and describe the circumstances.

(g) It may be difficult for the officer to accurately determine the true ownership of property. By allowing removal of property under these circumstances, the officer may facilitate theft or wrongful disposition for which the department may be held liable. If there is any question about the legality of the removal or the true ownership of the property, the parties involved will be ordered to discontinue the removal process and obtain specific information and orders through the civil courts. Officers should be alert to ambiguous and potentially volatile confrontations that may be difficult to resolve.

464 - Homeless Persons

464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of homeless people and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The West Valley City Police Department recognizes that members of the homeless community are often in need of special protection and services. The West Valley City Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following when serving the homeless community.

464.1.1 POLICY

It is the policy of the West Valley City Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

464.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with Policy § 326.

(f) Arrange for transportation for investigation related matters, such as medical exams and

court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

464.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a Community Services Section supervisor. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to a Community Services Section supervisor.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform a Community Services Section supervisor if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Community Services Section to address the matter in a timely fashion.

464.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention. (See Policy § 418).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

464.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

465 - Citizen Assist for Vehicle Lockouts

465.1 PURPOSE AND SCOPE

This policy establishes a procedure for West Valley City police officers or parking compliance specialists to respond to requests by citizens who have locked themselves out of their vehicles, and assist individuals in unlocking their vehicle when no other option is available.

465.1.1 RESPONSE PROCEDURES

(a) Officers/specialists will respond to requests for assistance calls on a basis of availability or degree of emergency, i.e. a child locked in a vehicle, high temperature, etc.. If the lockout requires a code run, only police officers will respond code. For non-emergency lockouts, a parking compliance specialist can be dispatched. Dispatch will notify the complainant of estimated response times due to unavailability of officers. Calls for service of this nature, other than emergencies, will be prioritized just as any other call.

1. Upon arrival, officers/specialists will advise the complainant that policy requires them to fill out a Release of Liability form. Officers will explain that any action taken involving the use of a lock out tool to unlock their vehicle, could result in damage to their vehicle. Especially if the vehicle is equipped with electric or electronic door lock/unlock mechanisms. The officer/specialist will verbally ask the complainant if he/she understands.
2. If the complainant indicates that he/she wishes the officer/specialist to continue in assisting them in unlocking the vehicle, the complainant will complete and sign the Release of Liability form. The officer/specialist will also sign it as a witness.
3. If the complainant DOES NOT wish for the officer/specialist to continue to assist them, the officer will offer to call someone else to assist them. If the complainant lives in West Valley City, the officer may offer them a ride to their residence. The field supervisor must approve of the ride. In any case, the officer/specialist will make reasonable efforts to prevent the complainant from being left in a location, or situation that is unsafe.
4. Any damage caused or allegedly caused to the complainant's vehicle should be noted on the Release of Liability form by the officer.
5. The officer/specialist will obtain an incident number from the dispatcher and write that number on the top right of the form where indicated.
6. The "Release of Liability" form will be turned in with the officer's daily activity log and packet at the end of his/her shift.
7. The Records Section will keep the Release of Liability forms for the period of four (4) years.
8. If a citizen wants to make a complaint for damage, the complainant should be forwarded to the City Attorney's Office.

(b) Guidelines for the use of the lock out tool car door opener.

1. The lock out tool has been designed to enter either door of a vehicle at a 60 degree angle between the outer door skin weather stripping and the glass window, pushing down towards the locking mechanism. It is at this point where

the lock out tool contacts the locking lever or the remote control lever. Manipulating either lever should unlock the mechanism and the door should be able to be opened from the outside.

2. Not all vehicles use the push down method. If by pushing down on the locking lever you are unable to unlock the door, use a pull up method. Vehicle manufacturers change door and locking styles on many models, so the push down and pull up methods should both be tried.

3. On many earlier model vehicles, align the lock out tool with the keyed door cylinder and use either a push down or pull up method. You will note that vehicle body styles differ and, therefore, you may have to bend or curve the lock out tool to correspond with the door style of the vehicle.

4. The locking mechanisms on some newer vehicles are designed so that the normal push/pull method of the lock out tool will not work. The inside locking rod has been designed to operate horizontally. Moving the lock out tool in a horizontal direction may unlock the mechanism.

5. The officer/specialist may reference the detailed instructions accompanying the lock out tool to clarify these directions.

6. Another option is the wedge lock out kit. Many newer vehicles have door or curtain airbags. The wedge kit allows the officer/specialist to use a rubber wedge to separate the door from the vehicle enough to allow access for an air bladder pump. This pump widens the gap created by the wedge and allows room for a metal bar to reach inside the vehicle.

7. Once the bar is inside the vehicle several more options are available to the officer. An officer/specialist can touch the automatic lock button opening the door, the bar can pull the handle to open the door. An officer/specialist can possibly reach the keys left on a seat or even open a trunk latch to gain access to the interior of the vehicle.

8. The officer/specialist may reference the detailed instructions accompanying the lock out wedge kit to clarify these directions.

500 - Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/problem-based assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records and traffic volume and conditions. Covert or overt stationary observation may be utilized in reducing traffic collisions, along with unmarked or unconventional vehicles. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

To help facilitate the attainment of the goal of traffic law enforcement, the Department will regularly compile and review traffic collision/crash data and traffic enforcement activities data; compare collision/crash data and enforcement activities data; implement selective enforcement techniques and procedures; and deploy personnel based upon the analysis of this data. The Supervisor of the Traffic Unit is responsible for documenting an annual review of selective traffic enforcement activities.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the West Valley City Police Department. Information provided by the Utah Department of Public Safety's Highway Safety Office is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

Officers assigned to patrol or traffic enforcement functions should emphasize enforcement of accident-causing violations during high-accident hours and at locations of occurrence. All officers should take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high-accident locations. Assignments may also be to specific geographical areas, including specific roadways or linear boundaries, or may be based upon supervisory assignment.

Other factors to be considered for deployment are citizen requests, construction zones or special events. Any utilization of roadside safety checks will comply with Department policies and statutory requirements.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas, and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation when circumstances warrant.

An officer may also issue a warning citation when he/she believes it is appropriate. The officer should consider the violator's level of interference with other traffic, mitigating factors, road conditions and the officer's ability to educate the violator without seeking punitive action.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

After explaining this information to the violator, the officer will serve the citation on the violator by handing the violator a copy of the citation. The violator is not required to sign the citation.

500.3.3 PHYSICAL ARREST

Most traffic violations outlined in Utah Code Title 41 are infractions. Officers will not make a physical arrest of a person who has committed a violation or violations that are solely infractions. Violators committing infractions may be warned or issued a citation as outlined in subsection § 500.3.2 of this policy. Physical arrest can be made on a number of criminal traffic offenses which are classified as misdemeanors or felonies as outlined in Utah Code Title 41. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter.

(b) Felony and misdemeanor driving under the influence of alcohol/drugs.

(c) Felony or misdemeanor hit-and-run.

(d) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

The physical arrest of a person for a criminal traffic offense shall be made in compliance with Policy § 307.3, Procedure for Making a Custodial Arrest.

500.3.4 TRAFFIC VIOLATIONS BY NON-RESIDENTS, JUVENILES, LEGISLATORS, FOREIGN DIPLOMATS AND MILITARY PERSONNEL

(a) Traffic violations committed by non-residents of West Valley City will be handled in the same manner as any other traffic violation.

(b) Juveniles who commit misdemeanor traffic violations of Utah Code, Title 41, may be issued a citation like an adult violator.

(c) Members of the Legislature may be issued a citation for a traffic violation. However, the appearance date on the citation should not fall during a general or special legislative session of the Legislature or for 15 days immediately preceding and following each session.

(d) A traffic citation may be issued to a foreign diplomat or consular official regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever a citation is issued to an immunity claimant, the officer should follow the procedures listed in Policy § 422.5.1, Citable Offenses.

(e) Members of the military are exempt from arrest or citation:

1. During military formations, exercises, mobilization, or other duty when exigent, perilous, emergency, or similar circumstances require the member's presence.

2. While traveling to and from military duty locations when exigent, perilous, emergency, or similar circumstances require the member's presence.

3. This exemption does not extend to arrest or citation if the military member is operating a vehicle in a reckless manner or while under the influence of any drug or alcohol, or if the violation is a class A misdemeanor or felony.

4. Traffic violations committed by military members outside of the exceptions above will be handled in the same manner as any other traffic violation.

500.4 SUSPENDED OR REVOKED DRIVER'S LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Utah Code 53-3-227. The officer should inform the violator that they cannot operate a motor vehicle until they obtain a valid driver's license.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, construction maneuvering or operating vehicles, machinery and equipment.

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or

efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit and in the side box of each police motorcycle.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Lieutenant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE

It is the responsibility of the Traffic Section Lieutenant to establish a procedure for school crossing guards to report speed violations to the West Valley City Police Department. The report shall include the following:

(a) Date, time and location of the violation.

(b) Vehicle license plate number and state.

(c) Vehicle description.

(d) Description of the vehicle operator.

(e) Description of the incident.

(f) Contact information of the school crossing guard.

(g) The signature of the school crossing guard who witnessed the offense attesting to the accuracy of the report.

Reports should be submitted to the West Valley City Police Department no more than two business days after the alleged violation occurred.

500.6.1 NOTIFICATION OF VIOLATION TO VIOLATOR/VEHICLE OWNER

It will be the Traffic Section Lieutenant's responsibility to establish a system in which notification letters are sent to the last known registered owner of the vehicle that was

reported speeding. The letter should contain the following (Utah Code 41-6a-604.5(1)(a)):

(a) Applicable information on the school crossing guard's report stating that the vehicle was observed speeding in a reduced-speed school zone in violation of state law.

(b) Complete explanation of the applicable provisions of Utah Code 41-6a-604.

(c) An explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.

The Traffic Section Lieutenant is responsible for ensuring all other mandates of Utah Code 41-6a-604.5 are met or that further investigation, if warranted, is conducted.

501 - Traffic Direction and Control

501.1 PURPOSE AND SCOPE

All personnel involved in traffic direction shall take necessary steps to facilitate the safe flow of vehicles and pedestrians, and to direct and control the safe movement of traffic where conditions or emergency situations require. Personnel directing or controlling traffic shall do so in an efficient and courteous manner with due regard for the safety of all concerned parties.

501.2 TRAFFIC CONTROL AT TRAFFIC COLLISIONS AND CRITICAL INCIDENTS

(a) At the discretion of the responding officer, the officer may position the patrol vehicle in the affected lane(s) of traffic, with emergency lights activated, to warn approaching traffic.

(b) Responding officers should clear the thoroughfare as quickly as practical; towing services should be notified as soon as possible if vehicles involved in a collision are inoperable.

(c) Officers on the scene may perform manual traffic control when it is determined it can be accomplished safely.

(d) Officers directing traffic, or in the roadway controlling traffic, will wear their reflective vests.

(e) Officers at the scene of critical incidents will assess the hazards present and take action to minimize damage to life or property. This may include traffic direction and/or evacuation of the immediate area.

(f) Officers will assure the scene is clear for emergency vehicles to enter but restricted to any unauthorized vehicle or pedestrian traffic

501.3 MANUAL TRAFFIC CONTROL AND UNIFORM HAND GESTURES

(a) Personnel shall carefully consider the necessity to manually direct traffic. Factors to be considered include: existing roadway congestion, adverse conditions, emergency situations, traffic volume and speed, number of pedestrians, duration of the period of congestion, personnel availability, safety, and the presence or absence of traffic control devices. Manual control of traffic should not be performed when an existing traffic control device will alleviate the traffic problem. If manual control of traffic is required, existing automated signals should be turned off to prevent driver/pedestrian confusion.

(b) Manual Control of Traffic Signals

1. The decision to initiate manual traffic control when a signal is in operation should be based on traffic conditions and the limitations of the signaling device. Some circumstances warranting manual operation include:
   i. Signal malfunction.
   ii. Facilitate vehicular and pedestrian movement at traffic crashes or other emergencies.
   iii. Provide a thoroughfare for parades, processions, or motorcades.
   iv. Relieve congestion when automated controls are over loaded.
2. Only personnel who have been trained to manually operate traffic signals will attempt to do so. Absent requisite training, signals that cannot effectively control traffic will be turned off and manual traffic control initiated.

(c) Fire Scenes and other Critical Incidents

1. Although Firefighters have the authority to direct traffic at fire scenes, police officers will assume responsibility for traffic control as soon as possible.
2. Traffic will be diverted from the area and a perimeter established which is close enough to the scene to control access but distant enough to prevent injuries and damage to equipment.
3. Vehicular traffic will not be allowed into any area where fire hoses or other specialized equipment are across roadways.

(d) Adverse Road and Weather Conditions

1. Adverse weather and road conditions may include such hazards as debris in the roadway, downed power lines, sink holes, and reduced visibility. When these conditions are encountered, greater consideration should be given to officer safety issues.
2. Upon discovery of adverse road conditions impacting the safe flow of traffic, Communications will be notified. The agency responsible for correcting the situation, such as Public Works and power companies, will be notified to respond. The personnel on the scene will provide necessary traffic direction and control by manually directing traffic or utilizing warning devices until the problem is resolved.
3. Traffic hazards or potential hazards which do not require immediate corrective action such as pot holes, over grown shrubbery, and missing nonessential signs will be reported to Dispatch for later notification of the responsible agency.

4. Roadway engineering deficiencies will be reported to the Traffic Enforcement Sergeant for evaluation and referral to the appropriate agency.

(e) ROADBLOCKS (Traffic Safety Roadblocks)

1. Roadblocks may be used to contain a crime or crash scene, limiting or stopping traffic flow during emergency situations or adverse weather conditions, or to institute motor vehicle safety checkpoints with prior written approval from the Chief of Police.

2. Police vehicles should be used to block traffic lanes with emergency lights activated. Traffic cones, barricades, or other temporary traffic control devices should be used when available to assist with lane blockage and traffic diversion.

3. The roadblock should allow for emergency vehicle access.
4. Communications will be advised of the locations of roadblocks and other conditions blocking or significantly restricting traffic flow. Significant traffic flow restrictions expected to last more than one hour will result in the activation of a travel alert.

5. Temporary traffic control devices such as barricades, portable signs, flashing lights, flares, and cones may be used for roadblocks, to divert traffic, and expedite the flow of traffic during special events and emergency situations.

6. Roadblock should be discontinued and traffic flow restored as soon as the situation allows.

(f) MOTORISTS ASSISTS

1. General Assistance: Agency personnel will render general assistance to motorists such as providing directions or referrals to community resources.

2. Mechanical Assistance: Disabled vehicles in roadways can constitute significant impediments to traffic flow, particularly at peak usage periods or when visibility is reduced due to darkness or adverse weather conditions.

3. Agency personnel will notify dispatch of the tag number, description, location, and number of occupants prior to contacting attended disabled vehicles.

4. Many of the same officer safety concerns present with traffic stops are present when contacting attended disabled vehicles. Personnel must be alert to the following possibilities:
   i. The person in control of the vehicle may not be an authorized user, or is not licensed to drive.

   ii. The vehicle is in unsafe operating condition.

   iii. The vehicle's occupants have or were preparing to engage in criminal activity.

   iv. Personnel should ascertain the nature of the mechanical problem and request appropriate assistance from Dispatch.

v. Disabled abandoned vehicles should be removed from traffic lanes as soon as possible during peak traffic periods. At other times, vehicles may be removed or warning devices placed to warn other motorists of the vehicle's presence. If warning devices are placed, personnel will check within a reasonable period of time to ensure that vehicle has been removed by its owner or conditions have not deteriorated.

5. Stranded Persons: Individuals stranded due to vehicle malfunction or other reasons may be assisted by calling them a taxi or referral to other public transportation. When warranted, stranded individuals may be transported to the nearest location of safety to summon or await the arrival of assistance.

6. Emergency Assistance: When persons requiring emergency assistance are encountered, Dispatch will be so informed and requested to summon the agency responsible for providing the assistance required.

   While awaiting the arrival of other agencies, personnel will render emergency assistance consistent with their training and equipment. After the arrival of other assisting agencies, personnel will provide traffic and crowd control until no longer needed at the scene.

(g) MANUAL TRAFFIC DIRECTION
All Department personnel assigned or authorized to direct traffic should use the following uniform signals and gestures to perform manual traffic directions.

1. Stopping traffic by hand.
   To stop traffic, the officer should first extend his arm and index finger toward and look directly at the person to be stopped until that person is aware or it can be reasonably assumed that he is aware of the officer's gesture.

   The pointing hand is then raised at the wrist so that the palm is toward the person to be stopped, and the palm is held in this position until the person is observed to stop. To stop traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.

2. Starting traffic by hand.
   To start traffic, the officer should first stand with shoulder and side toward the traffic to be started, extend his arm and index finger toward and look directly at the person to be started until that person is aware or it can be reasonably assumed that he is aware of the officer's gesture. With palm up, the pointing arm is swung from the elbow only through a vertical semicircle until the hand is adjacent to the chin. If necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two way street, the procedure is then repeated for traffic coming from the other direction.

3. Turning Right
   Drivers making right turns usually effect their turns without the necessity of being directed by the officer. When directing a right turn becomes necessary, the officer should proceed as follows:
   i. If the driver is approaching from the officer's right side, the extended right arm and index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn.

   ii. If the driver is approaching from the officer's left side, the same procedure may be followed utilizing the left arm extended.

4. Turning Left
   Left turning drivers should not be directed to affect their movement until the officer has stopped oncoming traffic. The officer's right side and arm should be toward the oncoming traffic, and the left side and arm should be toward the left turning driver. After stopping the oncoming traffic by using the right arm and hand, the right hand should remain in the halt gesture. The extended left arm and index finger and the officer's gaze is directed toward the driver who intends to effect a left turn. When the left turning driver's attention has been gained, the extended left arm and index finger are swung to point in the direction the driver intends to go.

5. Use of Flashlight
   A flashlight can be used to halt traffic. To stop traffic slowly swing the beam of light across the path of oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped, arm signals may be given in the usual manner with the vehicle headlights providing illuminations.

501.4 VEHICLE ESCORT SERVICES

(a) Vehicle Escort Services:
Vehicle escort services provided by the Police Department may include, but are not limited to:

1. Funeral motorcades;

2. Traffic assistance to public officials;

3. Dignitaries;

4. Oversized vehicles and/or loads;

5. Roadway construction;

6. Maintenance vehicles; and

7. Vehicles with hazardous or unusual cargo.

(b) Vehicle escorts that involve other agencies will be coordinated as far in advance as feasible.

(c) Vehicle escort requests are normally processed through the Dispatch or Administration and relayed to the traffic supervisor. The Chief, Deputy Chiefs and Traffic Unit supervisor(s) have the authority to approve or deny these requests. When escort requests are received by this agency, the Traffic Unit will be notified to assist.

(d) Vehicle escorts for public officials, dignitaries or executive protection assignments will normally be handled by the Traffic Unit, due to the length of time required for such assignments.

(e) Control of vehicle escorts will be assigned to a supervisor or traffic officer in accordance with the complexity of the escort requirements. The supervisor or officer in charge of the vehicle escort will set the pace for the escort in accordance with prevailing conditions. Under no circumstances will the escort exceed the predetermined maximum speed for any segment of the route. The supervisor or officer in charge of the escort will terminate the escort and resume normal vehicle operation when, in the supervisor or officer's opinion, conditions are such that continuation of the escort will constitute unacceptable risks to the motoring public.

(f) Vehicle escort services of civilian vehicles in medical emergencies is not an accepted practice of the West Valley City Police Department. If immediate medical service is required, EMS should be summoned to the scene.

502 - Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The West Valley City Police Department prepares traffic collision reports in compliance with Utah Code, Title 41, Chapter 6a, Part 4 and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY

The Traffic Section Sergeant will be responsible for distribution of the Collision Investigation Template. The Traffic Section Sergeant will receive all changes from the state and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of the Department shall be forwarded to the State of Utah. The Traffic Section Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon any travelway, roadway or highway wherein any damage or injury results.

Photographs of the collision scene and vehicle damage shall be taken.

502.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of the Department, either on or off-duty, is involved in a traffic collision within the jurisdiction of the West Valley City Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander may request an outside law enforcement agency for assistance. This is done to avoid the perception of bias or favoritism and is not required by law.

The West Valley City Police Department shall also conduct a separate investigation of the accident for internal review.

The term serious injury is defined as any injury that may result in a fatality.

If the employee is driving a West Valley City Police Department vehicle then section 502.6 must be followed.

502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Sergeant or on-duty Watch Commander may request assistance from an outside law enforcement agency for the investigation of any traffic collision within the jurisdiction of West Valley City involving any City official or employee where a serious injury or fatality has occurred. This is to avoid any perception of bias or favoritism in the investigation and is not required by

law.

The West Valley City Police Department shall also conduct a separate investigation of the traffic accident for internal City review.

502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with Utah Code 41-6a-402, traffic collision reports shall be taken for traffic collisions occurring on private property when the accident results in injury to, or death of any person, or total property damage to the apparent extent of $1,500 or more. An incident report may be taken at the discretion of any supervisor.

502.4.5 TRAFFIC COLLISIONS ON TRAVELWAYS, ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of the Department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision.

(b) When there is an identifiable violation of Utah Code.

(c) When a report is requested by any involved driver.

502.4.6 TRAFFIC COLLISIONS INVOLVING LIVESTOCK

An officer investigating a collision shall indicate in the report whether the accident occurred on a highway designated as a livestock highway, in accordance with Utah Code 72-3-112, when the collision resulted in the injury or death of livestock (Utah Code 41-6a-404).

An officer investigating such a collision shall make reasonable efforts as soon as practicable to (Utah Code 41-6a-408):

(a) Locate and inform the owner of the livestock of the incident.

(b) Make arrangements with the owner of the livestock to provide a copy of the collision report or advise the owner where a copy can be obtained.

502.4.7 TRAFFIC COLLISIONS INVOLVING SERIOUS INJURY OR DEATH

In compliance with Utah Code 41-6a-202, an officer who issues a citation to a person for a moving traffic violation which results in a collision causing serious bodily injury or death shall record that fact on the citation.

502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a traffic collision that results in serious injury or death, the Watch Commander shall notify the Traffic Section Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Section. In the absence of a Traffic Section Sergeant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

502.6 ACCIDENTS INVOLVING WEST VALLEY CITY POLICE VEHICLES

(a) PROCEDURE

1. When officers and non-sworn employees driving a West Valley City vehicle are involved in an accident, regardless of location, they will:

(a) Preserve the safety of themselves and others.

(b) Notify VECC dispatch if within radio contact area, or other appropriate law enforcement agency and request appropriate assistance.

(c) Notify the on duty supervisor.

(d) Notify their immediate supervisor as soon as practical.

2. All accidents involving vehicles assigned to the Police Department will be investigated by an outside law enforcement agency in addition to a thorough investigation by a West Valley City Police Officer. Photos will be taken and forwarded with the West Valley Officers report. A supervisor may waive the necessity for an outside agency, if the damage is minor and there are no injuries, but shall detail the justification for that decision in a memorandum which shall accompany the supervisor's vehicle accident entry in BlueTeam.

3. The Watch Commander will respond to the scene, evaluate the incident, and make notifications as necessary. If available, (and on duty) the involved employee's immediate supervisor will also respond. Information on accidents, in which a supervisory or West Valley Police response is not practical, will be gathered by the Watch Commander and forwarded to the employee's unit or section supervisor. The responding supervisor will assess the condition of the vehicle and determine whether it can be operated safely or have it towed to the City shops for evaluation.

4. The Watch Commander will prepare a critical incident notification, summarizing the incident. This notification will be sent electronically to the Chief, Deputy Chiefs and City Risk Analyst.

5. The Watch Commander will prepare an IDC detailing his/her observations of the incident and forward it along with any other reports available within two (2) days of the accident to the involved employee's unit or section supervisor, which in most instances is a Lieutenant. The Supervisor will gather all reports including those from outside law enforcement agencies, complete vehicle accident entry in BlueTeam, classify the accident, and forward all information electronically contained in the packet to their Section Commander within seven (7) days of the accident. The Section Commander will review the information and reports and if the employee is not at fault, the packet will be forwarded electronically to the Internal Affairs and Inspections Bureau for distribution and filing. If the employee is at fault, the Section Commander will take the appropriate action as outlined in the disciplinary section of this policy.

(b) DISCIPLINE

Discipline for all at-fault traffic accidents will be handled according to the Disciplinary Matrix, §341.5.

(c) OTHER DAMAGE

1. All other damage to department vehicles will be reported immediately to the employee's supervisor along with a memorandum stating the cause of the damage. This memorandum will be sent through the chain of command to the Section Commander. Photos will be taken and forwarded with the report. Unreported and/or negligent damage may result in discipline.

(d) APPEAL OF DISCIPLINE

Discipline of a suspension of more than two (2) days without pay, demotion or termination, may be appealed pursuant to West Valley City Municipal Code, Title 3, Chapter 3-11.

(e) REPAIRS

1. Vehicles that are operable.

   (a) The employee will take the vehicle to the city shops within five days of the accident and complete a detailed work order with a contact phone number.

   (b) The vehicle will be left at the shops and shop personnel will be responsible for obtaining the necessary bids for repair. Under no circumstances will an employee of the police department be involved in obtaining bids for repair or contracting for repair of the vehicle.

   (c) If the damage is minor and does not create a safety hazard, the shop foreman may return the vehicle to the employee pending scheduling for repair.

2. Damaged vehicles that are unsafe or inoperable.

   (a) The vehicle will be towed to the city shops and a detailed work order along with a contact phone number will be completed.

   (b) Shop personnel will be responsible for facilitating the repair of the vehicle.

3. Shop personnel will attempt to:

   (a) Keep the affected employee apprised of the status of the vehicle.

   (b) Coordinate with the City Risk Analyst and the affected officer's risk coordinator regarding insurance claims, method of payment, and feasibility of repair.

   (c) Notify the employee's Section Commander of all reported and unreported damage.

   (d) Contact the appropriate Deputy Chief for final approval for repair.

503 – Uniform Traffic Enforcement

503.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for uniform enforcement of traffic laws.

503.2 UNIFORM ENFORCEMENT CONSIDERATIONS

Officers should consider the following factors when considering enforcement action:

(a) Interference with other traffic. The primary purpose of any traffic enforcement program is to facilitate the safe and efficient flow of traffic. The most serious and obvious act of interference is a traffic accident. The severity of interference ranges from causing another vehicle to take collision avoidance action to mere inconvenience. The degree of interference may be a primary determining factor as to what type of action to take.

(b) Mitigation. Mitigating factors are those that lessen the severity of the violation. They may include, but are not limited to, lack of traffic, lack of immediate danger in the violation, emergency situations, or any other facto that makes the violation less of a danger. For non-hazardous violations, a mitigating factor might be something such as a short period of time after the expiration of a registration.

(c) Enhancement. An enhancing factor is one that makes the violation more egregious or dangerous. Enhancing factors include, but are not limited to, sever weather, poor road conditions, heavy traffic or the proximity of children or other pedestrians. For non-hazardous violations, an enhancing factor might be the registration of a vehicle having been expired for a significant period of time or complete disregard of the law.

(d) Education of the violator. Education should be considered when the driver has inadvertently violated a minor regulation or has just moved into the area. If the officer feels that a warning would be more beneficial under the circumstances, the officer has the discretion to issue either a verbal or a written warning.

503.3 COMMON VIOLATIONS

Listed in this section are violations which are commonly encountered by officers and the minimum official citation standard for each violation. These minimum standards should also be taken into account, along with the consideration listed above, when making a final determination on the type of enforcement action taken.

503.3.1 IMPAIRED DRIVING

The West Valley City Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Utah's impaired driving laws. Officers are expect to enforce these laws with due diligence.

Impaired driving investigations will be conducted in accordance with Policy § 514, Impaired Driving, and Utah State Law.

503.3.2 DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED

Driving a motor vehicle while the driving privilege is denied, suspended, disqualified or revoked is a class C or a class B misdemeanor, depending on the reasons for which the license was

denied, suspended disqualified or revoked (Utah State Code § 53-3-227). As such, officers may make a custodial arrest of the individual. However, officers should exercise their discretion in these instances, and may wish to consult a supervisor if the sole basis for the custodial arrest is the charge of driving on a denied, suspended, disqualified or revoked license. In most cases, the issuance of a citation is more appropriate.

503.3.3 SPEED VIOLATIONS

Due to vehicle manufacturing tolerance, speedometers exhibit varying degrees of accuracy. Because of this, officers should provide for a five mile per hour variance. Officer may wish to allow for a greater variance in areas where the speed limit is 45 mph or greater. Officers should also take into account other factors such as school zones, construction zones, weather and road conditions and visibility when considering enforcement options.

503.3.4 OTHER HAZARDOUS VIOLATIONS

(a) Reckless driving. A person is guilty of reckless driving when they operate a vehicle in willful or want disregard for the safety of persons or property, or they commit three or moving traffic violations in a series of acts occurring within a single continuous period of driving covering three miles or less in total distance (Utah State Code § 41-6a-528). The officer should consider whether other persons or property were in the immediate vicinity of the driver during the violation and whether they reasonably could have been harmed.

(b) Failure to respond to an officer's signal to stop. Failing to stop for an officer's lights and/or siren requires the officer to consider whether the driver of the vehicle has received the visual or audible signal to stop and whether the person operates the vehicle with a willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person; or, attempts to flee or elude the officer by vehicle or other means (Utah State Code § 41-6a-210). When a vehicle fails to stop or actively flees from an officer, the officer should consider all the factors and guidelines in Policy § 314, Vehicle Pursuits, prior to initiating and continuing a vehicle pursuit.

(c) Failure to yield right of way. When a driver fails to yield the right of way the officer should consider whether a collision was caused by this failure or whether other vehicles or pedestrians were endangered by the driver's actions.

(d) Stop sign and signal violations. When taking enforcement action on a stop sign or signal violation, the officer should consider the amount of traffic in the area, the speed of the vehicle prior to the intersection and whether the speed was reduced significantly (i.e. rolling stop), and whether the violation caused a collision or endangered other vehicles or pedestrians.

503.3.5 OFF-ROAD RECREATIONAL VEHICLES

Officers will enforce those traffic laws applicable to the use of off-road/recreational vehicles on public property and roadways. The type of enforcement action taken is at the officer's discretion and should be based on the danger posed to both the driver/occupants of the off-road vehicle and other vehicles and pedestrians in the vicinity. Officers will investigate accidents involving these types of vehicle in accordance with current Department and State guidelines.

503.3.6 EQUIPMENT VIOLATIONS

When determining the type of enforcement action to take on an equipment violation, the officer

should consider whether the equipment may have cease function recently and whether the operator should reasonably have known that the equipment was malfunctioning.

503.3.7 PUBLIC CARRIER/COMERCIAL VEHICLE VIOLATIONS

The Department has an officer or officers assigned to the Traffic Section who have received special training and have the equipment necessary to conduct inspections of commercial vehicles. One of these officers may be contacted to assist or advise an officer who has questions or concerns regarding violations specific to public carriers or commercial vehicles. However, when a violation by a public carrier or commercial vehicle is observed, it may be enforced by any officer.

503.3.8 OTHER NON-HAZARDOUS VIOLATIONS

Officers should use discretion in enforcing non-hazardous violations such as excessive use of a vehicle's horn, loud or non-existent mufflers, excessive exhaust emitting from a vehicle, or loud music coming from a vehicle. Officers should consider whether the violator would be better educated by issuing a warning or a citation.

503.3.9 MULTIPLE VIOLATIONS

Multiple traffic violations, so long as they are misdemeanors or infractions, may be listed on one citation. If one of the violations is a felony violation, such as fleeing or evading, the officer will screen all violations with the appropriate prosecuting attorney's office and will not issue a citation for any violation.

In enforcing multiple violations, the officer should consider whether the violator would be better educated by issuing a citation for the initial violation and giving a warning for some or all of the lessor or secondary violations.

503.3.10 NEWLY ENACTED LAWS

New laws and ordinances require a period of time before the public becomes aware of the new law. During the first month after a law or ordinance is issued, officers are encouraged to issue warnings in an effort to educate the public. Thereafter, officers may issue citations at their discretion.

503.3.11 VIOLATIONS RESULTING IN TRAFFIC COLLISIONS

Officers may take enforcement action while investigating traffic collisions, even though the officer did not witness the violation. Officers may only enforce the following violations when the accident occurs on private property:

(a) DUI and related offenses found in Utah State Code § 41-6a Part 5

(b) Reckless driving

(c) Vehicular homicide

(d) Hit and run

(e) No insurance

(f) Failure to respond to an officer's signal to stop (fleeing)

503.3.12 VIOLATION INVOLVING PEDESTRIAN AND BICYCLES

Many State traffic laws and City traffic ordinances apply to bicycles and pedestrians and may serve as the basis for enforcement action.

503.3.13 PARKING ENFORCEMENT

It is the policy of the West Valley City Police Department to enforce parking violations in a reasonable and impartial manner. Officers should be observant for parking violations during the course of their routine duties. When it is determined that a vehicle parked in violation of City Code must be moved for safety reasons or it appears the vehicle has been abandoned, the officer is authorized to have the vehicle moved in accordance with City Code 22-2-119 and Department Policy § 510. When issuing a citation for a parking violation, the applicable West Valley City Municipal Code should be used rather than citing under a similar state code.

504 – Hazardous Highway Conditions

504.1 PURPOSE AND SCOPE

In an effort to make the roads and highways in West Valley City safe for motorist, officers will take the necessary steps to mitigate hazardous highway conditions.

504.2 HAZARDOUS HIGHWAY CONDITIONS

Officers must exercise appropriate judgment when determining the relative level of danger presented by a traffic hazard and the corrective action necessary. It is not possible to delineate all situations where an officer may be required to assess potential traffic hazards. As such, officers should be mindful of the need to use sound judgement and common sense when they encounter traffic hazards.

504.3 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Department members who may be exposed to hazards presented by passing traffic, construction maneuvering or operating vehicles, machinery and equipment.

Officer shall wear a high-visibility vest when clearing debris from the roadway or directing traffic around other hazardous highway conditions until the condition can be cleared or resolved by the appropriate authority.

504.4 DEBRIS

Items in the roadway (i.e small tree branches or other small items) should be removed by the officer so as to clear the roadway.

Large items that are not easily and safely moveable by the officer require a response that protects the public until the item can be removed by the appropriate means. Depending on the specific circumstances, the officer may be required to stand by with emergency equipment activated until the hazard is removed. The officer will contact the dispatcher and request they notify the appropriate City department that can safely remove the debris or the agency having jurisdiction over that roadway.

504.5 HAZARDOUS MATERIALS

Hazardous materials will be handled per Policy § 412, Hazardous Material Response.

504.6 DEFECTIVE TRAFFIC CONTROL DEVICES

Any defective traffic control devices found by an officer will be reported to the dispatcher so that further notification may be made to the appropriate agency for repairs.

If the defect is so hazardous that traffic flow is affected and traffic conditions are dangerous for motorists, the officer should direct traffic to help eliminate any hazardous conditions until the defect is mitigated.

504.7 ROADWAY DEFECTS

Any defects in the roadway found by an officer will be reported to the dispatcher so that further notification may be made to the appropriate agency for repairs.

If the defect is so hazardous that traffic flow is affected and traffic conditions are dangerous for motorists, the officer should direct traffic to help eliminate any hazardous conditions until the defect is mitigated.

504.8 ABANDONED/STOLEN VEHICLES

Abandoned and stolen vehicles will be handled per Policy § 510.6.2, State Tax Impounds.

510 - Vehicle Towing / Impounds

510.1 PURPOSE AND SCOPE

This policy provides the procedures for the towing and impoundment of a vehicle by or at the direction of the West Valley City Police Department.

510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

510.2.1 COMPLETION OF NOTICE OF IMPOUND

Department members requesting impounding of a vehicle shall complete a Department Vehicle Impound Form, including a description of property within the vehicle. The original is to be submitted to the Records Section as soon as practical after the vehicle is impounded.

Records personnel shall promptly enter pertinent data from the completed Department Vehicle Impound Form into the Records Management System as detailed in § 510.7.3.

If the vehicle is impounded for state tax purposes, immediately after impounding the vehicle, the Department shall forward a State Tax Vehicle Impound Form, containing all required information, to the Motor Vehicle Division (Utah Code Ann. § 41-6a-1406(4)).

510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer should allow the driver to select a towing company and contact that company to remove the vehicle as long as the towing company selected can respond within 20 minutes. If the towing company selected by the driver cannot respond within 20 minutes, or if the driver has no preference as to which towing company to use, a towing company will be selected from the rotational list maintained in Valley Emergency Communications Center.

An officer may, without the consent of the owner, remove a vehicle that has been involved in an accident (or remove property from within the vehicle) if the vehicle is blocking a roadway or is otherwise endangering public safety (Utah Code Ann. § 41-6a-401.9). If the owner is incapacitated, or for any reason it is necessary for the Department to impound a vehicle involved in a collision, the officer should summon an approved towing and storage provider, complete the Notice of Impound Form and impound the vehicle.

510.2.3 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless, after careful consideration, the Department employee determines it is necessary to move a vehicle:

(a) a short distance to eliminate a hazard;
(b) to prevent the obstruction of a fire hydrant;
(c) to comply with posted signs; or
(d) to position a vehicle already inside the impound lot.

510.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.3 IMPOUNDS AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by impounding the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be impounded whenever it is needed for the furtherance of an investigation or prosecution of the case or when the community caretaker doctrine would reasonably suggest that the vehicle should be impounded, for example, the vehicle would present a traffic hazard if not removed or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of impounding, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be impounded and the owner requests that it be left at the scene.

If an officer determines after careful consideration that the vehicle can be lawfully parked and left in a reasonably secure and safe condition, and the situation allows for it as described above, the officer shall have the driver complete a release of liability form and note in the report that the owner was informed that the Department will not be responsible for theft or damages.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried as described below and listed on the Vehicle Impound Report Form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting an inventory should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

(a) A thorough inventory of the contents of the vehicle will be taken and included with the officer's incident report. All closed containers will be opened and the contents

inventoried. If there are locked containers present, the officer shall attempt to obtain the key/s or combination/s or call for the assistance of a locksmith. If the officer is unable to obtain the key/s, combination/s, or if a locksmith is not available, the container shall be forced open in a manner that would cause the least amount of damage. A supervisor will determine if a locksmith should be called. The officer should have another officer or a supervisor present when forcing open a locked container. This is not a search for illegal items or evidence. This is an impound inventory required by policy to protect the owner/operator of the vehicle and the West Valley City Police Department from false claims and liability.

(b) All items lying loose in the vehicle should be locked in the trunk of the vehicle, if available.

(c) If the driver of the vehicle is not present at the time of the impound and a citation is being issued, the violator's copy shall be placed inside the vehicle in a conspicuous place and noted in the officer's incident report.

(d) Officers will take reasonable care to safeguard all property and see that future damage or destruction of personal property does not occur.

(e) The registration/title or keys from impounded vehicles will remain with the vehicle, unless needed for evidence or requested by the owner.

510.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.6 IMPOUNDS

510.6.1 ALL IMPOUNDS

(a) Inventories shall be conducted on all impounded vehicles as outlined in this policy, § 510.4.

(b) Personal property left in impounded vehicles.

1. Persons who can provide proof of ownership (registered owner or title holder preferred) in a vehicle towed or impounded incident to a West Valley City rotation call (seized for forfeiture and evidence vehicles excluded) may be allowed to enter the vehicle during normal business hours and remove personal property not attached to the vehicle upon signing a receipt with the towing/impound yard office.

(c) All vehicles impounded by officers of this department for any reason, must be checked for stolen through the NCIC system. The impounding officer must physically obtain the V.I.N. from the vehicle and run the V.I.N. and license plate through the NCIC computer. It is not sufficient to only run the license plate through the NCIC computer. The officer will

document this activity in his/her incident report. If the NCIC computer is down, the officer shall request the dispatcher to hold the V.I.N. and license plate numbers and run it when the NCIC computer becomes operable again. The officer will make note of this in his/her incident report. If the vehicle shows as stolen when the NCIC computer comes back up, the dispatcher will notify the on duty field supervisor of such and the proper notifications shall be made.

(d) All impounds will be reported on the West Valley City Police Department Vehicle Impound Report, included on the initial report form and the officer will complete a "West Valley Police Department Vehicle Impound/ Disposition Form" (ie. recovered stolen vehicle, drug seizure, hold for owner, DUI, Hit and Run, Evidence seizure detective-traffic, abandoned vehicle, release to owner, other). The West Valley Police Department Vehicle Impound/ Disposition Form must be completed on vehicles which are being held in the West Valley Drug Seizure lot, City Shops, or any other location where the vehicle is being held for further police follow-up.

510.6.2 STATE TAX IMPOUNDS

Only Department approved and authorized State Impound towing companies will be used for State Tax impounds. Officers will notify dispatch that they are requesting impoundment of a qualifying State Tax impound. The following list is an example of some, but not all, qualifying State Tax impounds:

(a) Abandoned vehicles, vessels or outboard motors.

1. Officers shall determine the abandonment of a vehicle, vessel, or outboard motor in accordance with Utah Code Ann. § 41-6a-1408. State Tax impound towing companies will be used to impound abandoned vehicles, vessels, or outboard motors. The State Tax Vehicle Impound Form will be completed by the officer and marked in the "Abandoned/ Possible Theft" box. Vehicles, vessels, or outboard motors impounded as abandoned must have been left unattended on a highway for a period in excess of forty eight (48) hours or on any public or private property without express or implied consent of the owner or person in lawful possession or control of the property for a period in excess of seven (7) days.
2. Vehicles, vessels or outboard motors abandoned on the streets, roadways, highways, or other city property will be handled by the police department. Officers will make reasonable efforts to contact the owner of the vehicle to have it moved prior to impounding. The officers will document those efforts in his/her incident report.
3. Private Property. Abandoned vehicles, vessels or outboard motors subject to impoundment from private property shall be the responsibility of the property owner or person in lawful control of the property, or will be referred to Ordinance Enforcement. If officers are contacted or dispatched on a private property abandoned vehicle, vessel or outboard motor, the officer will check the VIN to determine if the vehicle has been reported stolen.
4. Vehicles abandoned in private parking lots are civil in nature with the exception of fire lane violations. An officer's responsibility when called to the scene in such a situation is to ensure that no breach of the peace occurs. If counsel is sought, the parties involved should be instructed to contact their respective attorneys with regard to their reciprocal rights and liabilities.

5. An officer who has reasonable grounds to believe that a vehicle, vessel, or outboard motor has been abandoned may remove the vehicle, vessel or outboard motor or cause it to be removed in accordance with Utah Code Ann. § 41-6a-1406 or § 73-18-20.1 and Department policy.

(b) Suspected stolen vehicles.

1. An officer may seize a vehicle, vessel or outboard motor suspected of being stolen in accordance with Utah Code Ann. § 41-1a-1101.

(c) Recovered stolen vehicle.

1. If the owner of the recovered stolen vehicle cannot be contacted and if contacted, respond to take possession of the vehicle in a reasonable period of time, the officer will State Tax impound the vehicle. The officer will document and include in his/her report what efforts and means were made to contact the owner and the time that those efforts were taken.

(d) Improper registration. In accordance with Utah Code Ann. § 41-1a-1101 an officer may impound a vehicle when:

1. A Utah resident owner is operating a vehicle registered in another state in the Utah resident's name.
2. A person is operating a motor vehicle which is displaying license plates registered to another vehicle regardless of owner or without evidence of an authorized license plate transfer.
3. There is no evidence of proper registration.
4. There are valid permits that have expired.
5. A vehicle is being operated with expired license plates. Officers should use discretion when impounding for expired license plates. If the registration has lapsed less than six (6) months, a citation will usually handle the situation. If the lapse is over six (6) months officers should consider impounding but it is not mandatory.

(e) D.U.I. arrests/impounds

1. When an officer arrests a driver of a vehicle for D.U.I. alcohol and/or D.U.I. drugs, the officer will impound the vehicle. The officer will request the dispatcher assign the impound to a Department approved and authorized State Tax impound towing company. The officer will complete a State Tax Vehicle Impound Form, and the West Valley Police Vehicle Impound Form. The only exception to this procedure would be when:

(a) The officer may release the vehicle if there is a registered owner of the vehicle, other than the operator, present at the time of the arrest, and they request that the vehicle not be impounded. In that case , the officer must insure that the requesting individual:

1. Has a valid operator's license.
2. Has sufficient identification to prove co-ownership/registration of the vehicle.

3. Complies with all restrictions of his/her operator's license.
4. Would not, in the officers judgment, be in violation of any law if permitted to operate the vehicle.
5. The vehicle is legally operable.

(b) The officer may also release the vehicle if a registered owner, not the operator, at the scene requests the vehicle not be impounded and identifies a person present at the time of the arrest to take custody of the vehicle. In that case, the officer must insure the person taking custody of the vehicle:

1. Has a valid operator's license.
2. Complies with all restrictions of his/her operator's license.
3. Would not, in the officers judgment, be in violation of any law if permitted to operate the vehicle.
4. The vehicle is legally operable.

2. The copies of the State Tax Vehicle Impound Report and the West Valley Impound form will be included with the officer's incident report and distributed as required by law and established procedure.

3. In addition to D.U.I., an officer who arrests, cites or refers a driver for violating any of the offenses below, shall complete a State Tax impound of the vehicle. The same exceptions to impounding the vehicle that are listed in 1(a) & 1(b) above also apply (Utah Code Ann. § 41-6a-527).

(b) Interlock restricted driver (Utah Code Ann. § 41-6a-518.2).

(c) Refusal of implied consent to chemical tests for alcohol or drugs (Utah Code Ann. § 41-6a-520).

(d) Alcohol restricted drivers (Utah Code Ann. § 41-6a-530).

(e) Speed contest or exhibition on highway (Utah Code Ann. § 41-6a-606).

(f) Person under 21 operating a vehicle with detectable alcohol in body (Utah Code Ann. § 53-3-231).

(g) Driving a vehicle while driving privilege is denied, suspended or revoked for the following reasons (Utah Code Ann. § 53-3-227(3)(a)(i) through (iv) and (ix)):

1. A refusal to submit to a chemical test under Utah Code Ann. § 41-6a-520.
2. A violation of the DUI/alcohol or DUI/drugs laws (Utah Code Ann. § 41-6a-502 & § 41-6a-517).
3. A violation of a local DUI ordinance and related ordinances that comply with Utah Code Ann. § 41-6a-510.
4. A violation of the alcohol restricted driver law (Utah Code Ann. § 41-6a-530)

510.6.3 CITY IMPOUNDS

The City of West Valley contracts with a firm to act as the official tow service for West Valley City. Officers will request the dispatcher call only the city contract towing company to make City Impounds.

(a) Vehicles may be impounded using a City Impound and held pending release for the following reasons:

1. Hold for evidence. The officer will detail in his/her report the reason for the hold or impound.
2. Hit and run. Vehicles should be impounded for hit and run only if the suspect cannot be located and/or the vehicle has evidence which has to be preserved or examined in a more conducive location. Otherwise the vehicle should be impounded as a State Tax Impound.
3. Traffic hazards. Utah Code Ann. § 41-6a-1405. Unattended vehicles left standing on a highway or in a position or under circumstances that obstructs the normal movement of traffic where the owner cannot be located. If the owner cannot be located the vehicle should be impounded as a City Impound, hold for owner.
4. Driver arrest. When the driver of a vehicle is arrested and taken into custody the vehicle may be impounded as a City Impound to be held for the registered owner of the vehicle. Exceptions to City Impound on a driver arrest are if the driver is arrested for DUI (see § 510.6.2(e)) or if the vehicle being driven by the arrested party is a reported or suspected stolen vehicle (see § 510.6.2(b&c)). If the driver of the vehicle is arrested for a Narcotics related offense, the officer should consider if the vehicle qualifies as a City impound hold for seizure, per Policy § 606.3.3 in this. manual.

   (a) The officer should allow the registered owner to release the vehicle to another driver if:

      1. It will not unduly inconvenience the officer in conducting the investigation and continuing with the officers duties.
      2. The owner signs the written release of liability form.
      3. The individual the vehicle is being released to has a valid operator's license.
      4. The individual would not, in the officer's judgment, be in violation of any law if permitted to operate the vehicle.
      5. The vehicle itself is legally operable.

   (b) The officer should allow the registered owner to leave the vehicle where it is parked if:

      1. It will not unduly inconvenience the officer in conducting the investigation and continuing with the officer's duties.
      2. The owner signs the written release of liability form.
      3. The vehicle is legally parked.
      4. It would not put the officer or the public in danger.

510.6.4 RECORDS SECTION RESPONSIBILITY FOR IMPOUNDS

The Records Section employees shall follow the below listed procedures.

(a) The Records Section employee receiving the officer's daily packets will separate the impound form and attach any paperwork, such as the State Tax Impound Forms, City Impound forms, etc. The Records Section employee will date stamp the time received.

(b) The Supervisor or NCIC Records Section employee will then check the vehicle on the state computer by license plate and V.I.N. number to see if it is listed as stolen. The Records Section employee will then check the D.M.V. file and will print a copy of the last registered owner. Within 24 hours of the time of the receipt of the Impound forms from the officers, a written notice (the original impound form letter), shall be sent to the last listed registered owner of the vehicle. If the officer indicates that there is a new owner, different than listed on the D.M.V. records, a letter will also be sent to that person. The Records Section employee will sign the letter with his/her IBM number and will date the letter the day it is sent. A copy will be made of the letter and it will be attached to the case. The case will then be entered into the tow history file in the computer. The case will be assigned a tow history number.

(c) The Records Section will notify the Department of Motor Vehicles of all vehicles impounded for state reasons by sending the original State Vehicle Impound Report.

(d) If the letter to the last listed registered owner as described in section (b) above is returned by the U.S. Postal Service, a copy of the original envelope with the explanation for the return, such as "no forwarding address" is maintained with the case file.

(e) The officer releasing the vehicle will contact the vehicle owner and impound yard and notify them that the vehicle can be released.

510.6.5 RELEASE OF IMPOUNDED VEHICLES

(a) Release of State Tax Impounds.

1. Vehicle owners should contact the State Department of Motor Vehicles for the conditions of release for his/her vehicle.

(b) Release of City Impounds.

1. Vehicle owners should contact the individual towing company for the conditions of release for his/her vehicle.

514 - Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The West Valley City Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Utah's impaired driving laws.

514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

514.4 FIELD TESTS

The Traffic Section supervisor should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or test under any of the following:

(a) The officer has reasonable grounds to believe that the person was operating or in actual physical control of a motor vehicle while:

1. Having a prohibited blood or breath alcohol content level as defined by Utah Code 41-6a-502 (DUI), Utah Code 41-61-530 (Alcohol Restricted Drivers or Utah Code 53-3-232 (Conditional License holders).

2. Under the influence of alcohol, any drug or combination of alcohol and any drug.

3. Having any measurable controlled substance or metabolite of a controlled substance in the person's body.

(b) The officer has stopped a person under the age of 21 and has reasonable grounds to believe that the person was operating or in actual physical control of a vehicle or motorboat with a measurable blood, breath or urine alcohol concentration in the person's body.

(c) The person is dead, unconscious or in any other condition rendering the person incapable of refusal.

514.5.1 BREATH TEST

The Traffic Section supervisor should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Section supervisor.

The West Valley City Police Department currently utilizes two (2) Intoxilyzer Alcohol-Analyzer machines. The machines are located at the Department's West Sub-Station and in the basement of City Hall.

514.5.2 BLOOD TEST

Only persons authorized by law to withdraw blood shall collect blood samples. The withdrawal of the blood sample should be witnessed by an officer other than the officer conducting the blood withdrawal.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using and anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

514.5.3 URINE TEST

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his or her dignity, to the extent possible, while still ensuring the accuracy of the specimen.

The collection kit shall be marked with the person's name, offense, West Valley City Police Department case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

514.6 REFUSALS

When a person refuses to provide a chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample.

(b) Audio-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

514.6.1 STATUTORY NOTIFICATIONS

Upon refusal to submit to a chemical test as required by law, officer shall personally serve the

notice of the Driver License Division's (DLD) intention to revoke upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person.

514.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when a search warrant has been obtained.

514.6.3 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the withdrawal is taken in a medically approved manner.

(e) Supervise any use of force and ensure the forced withdrawal is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances.
   1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

   2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

   3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

514.7 ARREST AND INVESTIGATION

514.7.1 ARREST AUTHORITY

An officer may make a warrantless arrest of a person that the officer has probable cause to believe has violated the DUI laws of this state, whether or not the offense occurred in the officer's presence.

514.7.2 STAUTORY WARNING

An officer requesting that a person submit to a chemical test shall provide the person with a mandatory warning pursuant to Utah Code 41-6a-520.

514.7.3 OFFICER RESPONSIBILITIES

An officer serving a person with a notice of the DLD intention to revoke the person's driving privilege or license shall also:

(a) Issue the person a temporary license certificate.

(b) Provide the person with basic information regarding how to obtain a hearing before DLD.

(c) Forward a report to DLD within 10 days of giving the notice to the person that the officer had reasonable grounds to believe the arrested person was DUI and that the person refused to submit to a chemical test as required by law.

(d) Ensure that all persons under arrest for suspected DUI are under constant supervision, by a law enforcement officer. Arrested persons will not be left unattended in any area designated or utilized for administering Field Sobriety Test or Chemical Tests.

(e) Ensure that **officer safety** is a priority when dealing with impaired arrested persons. The arresting and assisting officers should be highly aware of the confined spaces that they may be working in and the proximity of the weapons that they are carrying on their duty belt. This includes, but is not limited to: firearm(s), Taser, OC, Knives and Asp/Baton.

(f) Two officers will be present during the administration of any physical or chemical tests on an impaired arrested person if it is necessary for an officer to turn off their police radio in order to avoid interference with equipment during testing. Officers should utilize the orange "panic button" if there is a "distress" while in the testing area.

(g) Persons arrested for impairment will remain handcuffed while in the designated testing areas. If the officer believes that the person has the potential to be combative, additional officers will be called to assist the arresting officer. The exception to this policy will be when a blood draw is being conducted. Handcuffs may be removed for the draw when multiple officers are present. This will ensure the safety of the arrested person and the officers and prevent escape.

514.7.4 VEHICLE IMPOUND

An officer who arrests a person for DUI shall seize and impound the vehicle the person was driving at the time of the arrest. If operable, the vehicle may be released upon request to the registered owner of the vehicle if the person is able to present proof of ownership, a valid driver license and that the person would not be violation of the DUI laws of this state if permitted to operate the vehicle.

514.7.5 SELECTION OF CHEMICAL TEST

The investigating officer shall determine which chemical test or tests to administer to a person and how many tests will be administered. In the event that an officer requests that the person submit to more than one test, refusal by the person to take one or more of the requested tests, even if the person had already submitted to one test, is nonetheless considered a refusal under state DUI laws.

514.7.6 ADDITIONAL TESTING

A person may have qualified medical personnel administer an additional test at the person's own expense. The additional test shall be administered subsequently to that which is administered at the direction of the officer.

514.8 REPORTING

The Traffic Section supervisor shall ensure that the Department complies with all reporting requirements pursuant to Utah Code 53-10-206.

514.9 RESPONSIBILITIES

The Records Section supervisors will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.10 ADMINISTRATIVE HEARINGS

The Records Section supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DLD.

514.11 TRAINING

The Training Section Lieutenant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Section Lieutenant should confer with the prosecuting attorney's office and update training topics as needed.

516 - Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction and voiding of traffic citations.

516.2 ISSUING AND STORAGE OF TRAFFIC CITATIONS

The majority of citations issued to traffic violators and misdemeanor arrestees are done electronically through a system managed by the State of Utah. The State issues blocks of citation numbers to each individual officer. The officer automatically receives a new block of numbers when the last block of numbers assigned to that officer has been used.

Officers are issued books of paper citations, one book at a time, to be used in cases where they cannot access the electronic citation system. These books of citations are secured in a locked closet and must be issued to the officer by a supervisor. These citations are not numbered. If an officer issues a paper citation, the citation must later be entered into the electronic citation system by the officer or a records clerk.

Paper copies of citations, whether a printed copy of the electronically issued citation or a paper citation issued in lieu of an electronic citation and later entered into the State system, are destroyed after being scanned into the Department's electronic filing system.

As citations are issued to traffic violators and misdemeanor arrestees, officers will account for the citation by listing the citation number on their daily activity log.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of the Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Utah Code 77-7-26). Any request from a recipient to dismiss a citation shall be referred to any supervisor of the rank of Lieutenant or above. Upon a review of the circumstances involving the issuance of the traffic citation, the Lieutenant may request the Deputy Chief to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to a Lieutenant for review.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued (handed to the recipient). All copies of the voided citation will be placed

in a secure box for shredding.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a report requesting a specific correction to his/her immediate supervisor. The citation and report shall then be forwarded to the appropriate prosecutor's office.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of the Department shall be filed with the Records Section.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to his/her immediate supervisor.

516.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

517 – Parking Enforcement

517.1 PURPOSE AND SCOPE

To establish and maintain a program aimed at identifying and enforcing parking ordinances and addressing specific parking concerns. The primary goal of the program is to gain voluntary compliance with parking regulations through enforcement activities and improved citizen awareness and education.

517.2 STAFFING

This program is staffed by Parking Compliance Specialists employed by West Valley City for parking enforcement. Parking Compliance Specialists are under the supervision of the Traffic Unit Sergeant, who is under the supervision of the Community Services Lieutenant. Parking Compliance Specialists perform a definite and necessary function in relation to the enforcement of city parking ordinances and regulations.

517.3 DUTIES

The primary duties of Parking Compliance Specialists are the maintenance of safe and efficient vehicle parking, the regulation of metered stalls, timed parking, and the enforcement of parking ordinances. This is achieved through the issuance of citations for violations including, but not limited to, expired meters, restricted zone parking, red curb markings, and handicap parking. Maintenance of general records and statistical data is an important facet of this operation. The duties of this position are administrative in nature, and Parking Compliance Specialists will remove themselves from confrontational situations. Unless otherwise indicated in this policy, Parking Compliance Specialists will follow West Valley City Policies and Procedures and West Valley City Police Department policy.

517.4 INCLEMENT WEATHER CONDITIONS

During inclement weather, Parking Compliance Specialists will patrol neighborhoods, school zones, hospitals, and malls for parking violations or perform other assigned duties as directed by the Traffic Unit Sergeant or Community Services Lieutenant. Parking Compliance Specialists will work individually unless directed to do otherwise by the Traffic Unit Sergeant or Community Services Lieutenant.

517.5 CITATION WRITING

Citations will be issued using Department-issued hardware and authorized software. Parking Compliance Specialists will be familiar with its operation. Parking Compliance Specialists must be able to maintain the assigned equipment and perform authorized maintenance as required.

517.6 COMMUNITY RELATIONS

Parking Compliance Specialists are not only engaged in enforcement activities, but also act as a liaison between the City and the community. Parking Compliance Specialists should explain codes and regulations to the public and provide general information regarding State and Municipal parking ordinances. Additionally, Parking Compliance Specialists should establish

and maintain effective relations with merchants and the working/shopping public. Parking Compliance Specialists represent the City as a reliable public information source.

517.7 EQUIPMENT

To report lost or damaged equipment, accessories or other items, Parking Compliance Specialists shall, at the earliest opportunity, advise their immediate supervisor and submit a memorandum through channels requesting replacement or repair of the lost or damaged item(s). The memorandum shall contain a description of the circumstances surrounding the loss or damage, the names of witnesses, if any, and case report or citation numbers, if any.

Parking Compliance Specialists will be trained and certified in the proper use of Department-issued pepper spray which shall be used for self-defense only.

Parking Compliance Specialists operate Department vehicles equipped with digital cameras and will activate the camera when conducting enforcement activities and in accordance with Department body-worn camera (BWC) and camera policies.

Upon termination of employment for any reason, all issued items will be turned in to the Department Training Unit. Failure on an employee's part to turn in all issued items can result in the officer's final paycheck being withheld, pending reimbursement.

In any instance where interpretation of this policy is in question, the Special Operations Deputy Chief will make the final decision.

520 - Disabled Vehicles

520.1 PURPOSE AND SCOPE

The West Valley City Police Department will provide assistance to motorists in disabled vehicles within the Department's primary jurisdiction.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another officer to respond for assistance as soon as practical.

An officer may remove a vehicle that has been involved in a collision (or property from within the vehicle) without the consent of the owner if it is blocking a roadway or is otherwise endangering public safety (Utah Code 41-6a-401.9).

520.2.1 RESPONSIBILITIES OF OFF-DUTY OFFICERS IN POLICE VEHICLES

When an off-duty officer is driving his/her assigned police vehicle and observes a disabled vehicle in the roadway, the officer should make a reasonable effort to provide assistance. The off-duty officer may request assistance from on-duty officers.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, location, availability of Department resources and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

600 - Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 CUSTODIAL INTERROGATION

600.2.1 DEFINITIONS

Custodial interrogation - Express questioning or its functional equivalent that is conducted by a law enforcement officer that is reasonably likely to elicit an incriminating response from a person and occurs when a reasonable person in the same circumstances would consider themselves in custody. It does not include questions asked by law enforcement personnel, and the suspect's responsive statements, which are part of the routine booking process.

Electronic recording - An analog or digital recording that includes the audio representations of any interrogator and the individual involved in a custodial interrogation. A videotape, analog or digital recording that includes both audio and visual representations of any interrogator and individual in a custodial interrogation is also an electronic recording. Officers are encouraged, if video recording, to position the camera to capture facial images of the individual being interrogated.

Place of detention - A facility or area owned or operated by a law enforcement agency where persons are detained in connection with criminal investigations or questioned about alleged criminal conduct. The term includes a jail, police or sheriff's station, holding cell, a correctional or detention facility, police vehicle or any other stationary or mobile building owned or operated by a law enforcement agency.

600.2.2 INDIVIDUAL RIGHTS

(a) Prior to initiating a custodial interrogation, the officer shall advise the arrested person of his/her Miranda rights (Miranda v. Arizona 384 U.S. 436, 1966). Each officer will carry, or be familiar with, the Miranda warning and will make the advisement by reading aloud from the Miranda warning card or reciting the warning. This advisement should either be accompanied by a signed waiver of rights, and/or the advisement and the individual's response should be electronically recorded.

(b) At no time will officers use threats, coercion, or promise to force voluntary waiver of any rights granted to individuals.

(c) A suspect who invokes their sixth Amendment right to counsel cannot be interrogated unless, and until their attorney is present or they reinstate discussion about the case with police.

600.2.3 CUSTODIAL INTERROGATION REQUIREMENTS

(a) Subject to the exceptions listed in subsection (d) below, any custodial interrogation of a person who is in a place of detention and who, at the time of the interrogation, is suspected of having committed any offense shall be electronically recorded in its entirety.

(b) Officers are required, where practicable, to electronically record the custodial interrogation of a person suspected of committing any offense

(c) All electronically recorded custodial interrogations should not be destroyed or altered until a conviction for any offense relating to the interrogation is final and all direct and collateral appeals are exhausted or the prosecution for that offense is barred by law. The interrogating entity may make true, accurate, and complete copies of the electronic recording, whether in the same or a different format.

(d) The guidelines for electronic recordings of a custodial interrogations are not applicable if:

1. The suspect refuses to speak if the interrogation is electronically recorded. Any such refusal should be documented either by electronic recording demonstrating such refusal, or through a written statement signed by the suspect.
2. The statement was made prior to January 1, 2016.
3. The statement was made during a custodial interrogation that occurred outside Utah and was conducted by officers of a jurisdiction outside Utah.
4. The statement is offered for impeachment purposes only.
5. The statement was a spontaneous statement made outside the course of a custodial interrogation or made during routine processing or booking of the person.
6. Despite the reasonable good faith efforts of the officer to record the interrogation, the officer inadvertently failed to operate the recording equipment properly, or the recording equipment, without the officer's knowledge, malfunctions or stops operating.
7. Substantial exigent circumstances existed that prevented or rendered the making of an electronic recording impossible or impracticable, or prevented its preservation and availability at trial.

(e) Officers should continue to prepare written summaries of custodial questioning and continue to obtain written statements from suspects.

600.3 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information any time after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

Supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

601 – Case Management

601.1 PURPOSE AND SCOPE

The West Valley City Police Department Special Operations Bureau has been established to provide for the complete and thorough investigation of reports of criminal activity received by the Department. This policy will establish guidelines and standards for the operation of the Investigations Section in regard to case management.

601.2 POLICY

It is the policy of the West Valley City Police Department to maintain an Investigations Section in order to provide complete, accurate and thorough follow-up on criminal activity reported within West Valley City, or elsewhere in the State of Utah if requested. Personnel assigned as detectives or investigators follow-up on criminal incidents involving adult and juvenile victims, witnesses, and offenders, and provide immediate assistance at major incident scenes.

601.3 PROCEDURE

Case reports are routed to the Investigations Section from the Police Records Section through the Department's Records Management System (RMS). These reports are reviewed by the Investigations Secretary who will assign all cases, both active and closed, that have been forwarded from the Operations Section. These cases will be routed to the Detective Sergeants for assignment to their respective detectives for follow-up investigation. Cases that most appropriately should be handled by another investigative unit, or other component of the Department, will be assigned to the respective supervisor/commander of that Bureau/Section/Unit via the Department's RMS. When possible, a courtesy email should accompany that assignment so the receiving supervisor is aware of the case reassignment.

601.4 INITIAL REPORTS AND OUTSIDE REFERRALS

One of the tasks of the Investigations Section is the compilation and processing of initial reports and referrals from outside agencies. These include, but are not limited to, Department of Child and Family Services (DCFS) Child Abuse and Neglect Reports (CANR's), Adult Protective Services (APS) referrals, and cases referred from other jurisdictions, or where an investigation by our Department is needed because of a conflict with the home agency. These cases are received from a variety of sources including the US Mail, electronic mail, facsimile, and in person requests, as well as land-line and cellular phone calls. Unless exigent circumstances exist (e.g. a "red-tag" high-priority sex offense or child abuse referral), cases received via outside referral should generally be routed to the telephonic officer first for completion of an initial report. The case will then be assigned consistent with the guidelines below.

601.5 PRIORITIZATION

Upon acceptable completion by the Records Section, the Investigations Secretary should consider as the top priority for assignment all cases involving felony offenses, including both adults and juveniles, and the suspect has been booked into a detention facility. Next, any cases needing immediate attention as identified by the State of the Watch, email, or any other means communicated to the Investigations Section to which a member of the unit has reasonably been

notified of. The remaining cases will be assigned equitably to the Detective Sergeants with consideration to their expertise and availability of specialists in juvenile crime, sex offenses, and major crimes personnel.

601.6 ASSIGNMENT OF CASES

Once an active offense report has been routed to a supervisor, it is reviewed and assigned to a detective/officer/investigator based on the severity of the offense, potential solvability factors, and urgency. This case assignment is made by a supervisor, or his/her designee, through the Department's RMS. This system records the section, name of the assigned detective, date assigned, and the current status of the case. Any exigent circumstances or other comments can be added in the notes section of case management. The following items should also be considered when assigning a case:

Considerations:

- Has the suspect been named
- Is there an independent witness
- Potential for continued violence
- A pattern of similar offenses
- Potential for extensive loss
- Community/Media interest
- Solvability factors for all other screened cases
- Witness to the crime
- Physical evidence
- Significant MO or physical description
- Availability of investigative resources
- Amount of workload compared to detective availability
- Internal and outside agency documents and information
- Available expertise

601.7 INVESTIGATIVE RESPONSIBILITY

Once a case has been assigned to a detective, or other investigative personnel, accountability for that investigation and documentation thereof, is the responsibility of the assigned investigator. Any Department member that has involvement in the case should make appropriate entries in the case management system as well, so any activity in the case is recorded timely and accurately. As such, supplemental reports should be prepared and submitted by all personnel who have had an active role in an investigation. If the assigned investigator is unable to perform any tasks required in a specific investigation within a reasonable amount of time, they should notify their assigned supervisor immediately.

601.7.1 ACCESSIBILITY TO INVESTIGATIVE FILES

Detectives may maintain a working file copy of cases assigned to them while investigative activities for that case are ongoing. Once assigned a case the detective will be granted access to the case, if otherwise restricted, so that a working file may be obtained if needed. All original documents will be maintained in the Records Section.

Working file copies will be maintained in the Investigations Section, which is a secure area accessible by key card. When not working on a file, the file copy will be secured in a locked area (desk, cabinet, etc.) in the detective's work space.

601.8 CASE MANAGEMENT & DOCUMENTATION

Ongoing case management and documentation is a top priority for the Investigations Section. Aside from the free text note section of the case management screen, numerous others codes are used to document case related activities, status, next actions and time worked. These fields can be viewed by anyone, but only some can be modified by the investigator. Some others can only be modified by a supervisor or administrative staff, and are used to comprehensively track all case related activity and progress. Use of the CASE MANAGEMENT SCREEN in the Department's RMS is mandatory and failure to adequately do so may result in disciplinary action.

601.8.1 ACTIVITY CODES

There are currently 70 different activity codes available to document the investigative steps taken in a case. They are not exclusive to the Department's RMS and can be updated, or modified at the discretion of the Chief of Police or his/her designee. Use of these codes is required as part of the investigator's responsibilities. Aside from documenting investigative activity, this also provides an accounting of time spent on a case for staffing and budgeting purposes.

601.8.2 CASE STATUS DESIGNATORS

There are only 14 acceptable designations for the current status of a case in case management. They are:

ACT	Active
AFM	Active Felony & Misdemeanor Screening
ASF	Active Screened as Felony
ASM	Active Screened as Misdemeanor.
CAA	Closed Adult Arrest
CDF	Closed Declined Felony
CDM	Closed Declined Misdemeanor.
CEX	Closed Exceptional
CFF	Closed Filed as Felony
CFM	Closed Filed as Misdemeanor.
CJA	Closed Juvenile Arrest

CLE	Closed Leads End
CLO	Closed Other
CUF	Closed Unfounded

601.9 SCREENING & FILING PROCESS

Once a case investigation has been completed, and unless a misdemeanor citation has been issued, or a Class A screening sheet completed, the assigned investigator will screen the case for charges if applicable. This can be done through a number of prosecuting agencies:

Salt Lake District Attorney Screening:
Felony Cases are screened and tracked electronically to the Salt Lake District Attorney's Office through their PIMS (Prosecution Information Management System). This does not apply to **homicides, sex crimes, or other high-profile incidents that must be screened in person** at the DA's Office or other designated location (i.e. Children's Justice Center, the Family Justice Center, etc.)

West Valley City Attorney Screening:
Misdemeanor Cases are screened and tracked electronically to the West Valley City Attorney's Office through their PIMS (Prosecution Information Management System) as well. This accepts all infractions, Class B Misdemeanors, and Class A Misdemeanors that occur within the West Valley City limits.

United States Attorney Screening:
There are a limited number of felony cases that are accepted and indicted by the grand jury through the federal judicial system. These screenings must occur in person and are prepared on documents obtained through their office.

Outside Prosecution Agencies:
These have to be addressed on a case by case basis. If crimes occurred in another or multiple jurisdictions every effort should be made with the respective law enforcement agency(ies), and/or their prosecuting authority to present the case to the agency or jurisdiction best suited for a successful prosecution.

601.10 CASE CLOSURE DESIGNATIONS

There are four ways a case can be closed aside from the filing or declination of criminal charges; these are Unfounded, Exceptional, Leads End, or Other. A supplemental report and a case closure document must to be submitted to the Records Section justifying one of the following designations:

Unfounded

a) Investigation reveals this is a civil matter.
b) No crime has been committed.

Exceptional

a) Death of the offender.
b) Victim refuses to cooperate in the prosecution (non-DV cases).
c) The juvenile offender is under the age of culpability.
d) Prosecutor declined for evidence problems, or interest of justice.
e) Extradition of the offender has been denied.

Leads End

a) Lack of probable cause.
b) No further follow-up can be conducted.
c) No suspect information to follow-up on.
d) The victim does not want to press charges, or is unable to be located or contacted.

Other

a) Case turned over to another agency for investigation or prosecution.
b) The crime did not occur in our jurisdiction.

601.11 PURGING/CONSOLIDATING CASE FILES

The assigned detective will ensure all documentation associated with a completed case is purged from any working files and forwarded to the original file maintained by the Records Section in the records management system. Duplicate documents will be destroyed by shredding. All field notes taken by all investigators who assisted in the investigation (if retained) will be included in the case supplemental report or forwarded to the original file maintained in the Records Section.

Detective supervisors will be responsible for conducting regular audits of the cases assigned to their personnel, and will ensure that when cases are completed, the working files have been properly consolidated into the original file and duplicate documents properly purged

The Records Section is the ultimate custodian of police records as noted in Policy § 806. They process all reports, citations, and all other paperwork or documentation generated or collected both electronically or manually by the Department. They are responsible for the accurate and timely processing of these submissions. The Records Section uses the Department's RMS to record all data that is entered, including information obtained through the Computer Aided Dispatch System (CAD) through Valley Emergency Communications Center (VECC). The SIRE records management system is the storage platform for all of this documentation. All case files should be consolidated into the Department's RMS when a case is suspended or closed.

601.11.1 SUBMISSION OF DOCUMENTS TO RECORDS:

Each member of this organization is responsible for the appropriate submission of reports, and case documents to the records and/or evidence unit. Although there are a variety of ways data can be submitted to the Records Section, it is the responsibility of each departmental member to assure this information is submitted properly. The two most common ways are hard copy and electronic, as follows:

1) Hard Copy- documents, case updates, reports, witness statements can always be submitted for processing by the Records Section via the packet system. The documents are put in a packet and placed in a collection box for the Records Section. Different colored packets are used to indicate the level of priority for processing and submission.

2) Electronically- anything capable of being created or transferred electronically can be submitted to the Records Section via SIRE Workflow. This is a preferred method as it time stamps each step in the process, and is easier for records personnel to approve and submit directly to SIRE without the need for manual scanning.

601.12 CASE AUDITS

Department members are ultimately responsible for the efficient and effective management of their assigned cases for follow-up investigation. In addition, Department supervisors must ensure that cases are being investigated timely, appropriate documentation is included in the investigation and Department's RMS, and that employees are properly managing their workload. To this end, Monthly Case Audits, Monthly Transmittals, and Monthly Dissemination Logs are tools for both Department members and supervisors to proactively and routinely audit productivity. Case audits may also be conducted at any time by the Chief of Police or his/her designee.

Monthly Case Audits:
The most important auditing function is the Monthly Case Audit. Each Department supervisor is responsible to review their subordinate's active case load at least once a month, note any deficiencies, and meet with those respective personnel if necessary, to assist them in conducting a timely investigation. Documentation of these audits should be maintained by that supervisor, and be available for review upon request by a superordinate supervisor.

Monthly Transmittals:
This log is prepared by each investigator, documenting their individual work on a case to include, but not limited to, initial reports, supplemental reports, arrests, citations, case screenings (including felony and misdemeanors,) the number of search warrants executed, and ultimately how each case was closed. Any substantive work done on a case, should be noted, especially in cases that are modified or closed. Transmittals will be submitted to the Investigations Secretary on the last day of each month, and available for review upon request.

Monthly Dissemination Logs:
This log documents all dissemination of criminal history information each month as required by The State of Utah Bureau of Criminal Identification (BCI) as per Utah Code #53-10-108. Commonly these records are disseminated with case screenings to the Salt Lake County District Attorney's Office, the West Valley City Prosecutor's Office, or other prosecuting agencies. On occasion, they are released to other law enforcement agencies. This log is submitted to the Investigations Secretary on the last day of each month, as per WVPD Policy #812. This record is maintained by the Investigations Secretary and available for review upon request.

601.13 SUPERVISORY RESPONSIBILITIES

Aside from overseeing all of the case management processes above and making the appropriate entries themselves, each first line investigations supervisor is responsible for maintaining a case assignment log. This contains the number of active cases assigned to each detective, and the number of pending investigations for their squad at the end of each month. This information, as well as other notable information, shall be provided to the Investigations Secretary upon request for inclusion in a monthly report to the Deputy Chief of the Special Operations Section.

602 - Sexual Assault Victims' Rights

602.1 PURPOSE AND SCOPE

This policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding HIV testing, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense may keep the identity of the victim and the report confidential if any of the following circumstances are present:

(a) The report would reveal the victim's medical history, diagnosis, condition, treatment, evaluation or similar medical data (Utah Code 63G-2-302(1)(b)).

1. Medical records may also include statements relative to medical history, diagnosis, condition, treatment, and evaluation (Utah Code 63G-2-302(3)(a)).

(b) The disclosure of the report would jeopardize the life or safety of an individual (Utah Code 63G-2-305(10)).

(c) The disclosure of the report could be expected to interfere with the investigation (Utah Code 63G-2-305(9)(a)).

602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of sexual assault as defined in Utah Code, Title 76 Chapter 5 Part 4, the assigned officer should accomplish the following:

(a) Inform the victim of their right to request a test for the HIV infection.

(b) Inform the victim of The Crime Victim Reparations Fund.

(c) Inform the victim of available counseling and support services provided by the Department of Health.

603 – Interview Rooms

603.1 PURPOSE AND SCOPE

To establish guidelines when using interview rooms to ensure the protection of victims, arrestees, witnesses, and police personnel. The intent is for the professional use of designated interview rooms and the admissibility of statements made therein.

603.2 POLICY

The Department has designated interview rooms at the main Department facility. Uniformed and non-uniformed personnel will use these designated rooms for interviews, interviews that may become interrogations, and custodial interrogations. Law enforcement personnel from other agencies are permitted to use the interview rooms with the approval of a Department supervisor, and preferably under the supervision of a member of the Department.

603.3 INTERVIEW ROOMS

Definitions:

(a) Interview Room: Any designated room(s), whether located at the Police Department, Investigations Section, Salt Lake County Adult Detention Center, or any off-site police facility, that will be used by Department employees to either conduct custodial interviews of arrestees or non-custodial interviews of witnesses, victims, potential suspects, and Department employees/applicants. <u>These rooms shall not be used as prisoner holding cells.</u>

(b) Interview: An interview is a non-accusatory, structured conversation during which specific, behavior-provoking questions are asked with the purpose of eliciting interpretable behavior symptoms considered typical of truth or deception. Additional factual information concerning the case and/or suspects may also be developed during this non-accusatory exchange.

(c) Interrogation: An interrogation is a conversation between the interrogator and the suspect, during which the suspect is accused of involvement in a particular incident or group of incidents. The accusatory tone of the exchange is what distinguishes the interrogation from the interview.

603.4 INTERVIEW FACILITIES

Locations:

(a) North Interview Room (Cold Room) is located within the Department's Investigations Section on the third floor of the public safety building at 3575 S. Market Street, West Valley City, Utah.

(b) South Interview Room (Warm Room) is located within the Department's Investigations Section on the third floor of the public safety building at 3575 S. Market Street, West Valley City, Utah.

603.5 CUSTODY vs NONCUSTODY

The physical layout and security measures in place at the Department create restricted access, suggesting that a person questioned for a potential criminal violation is, in fact, in custody. A Miranda warning is strongly suggested prior to any direct questioning regarding a specific crime to ensure the admissibility of the statements or information that is elicited. Absent a Miranda warning, officers must be cognizant of the implicit custodial nature created by the restricted access to these rooms.

603.6 WEAPON/S CONTROL

Except in interviews conducted at the Salt Lake County Adult Detention Center (ADC), the Juvenile Detention Center (JDC), or the Utah State Prison (USP), it will be the sole discretion of the officer/investigator whether or not he/she maintains his/her authorized Department weapon(s) on their person while in an interview room. Should the officer/investigator elect to remove their weapon, it shall be properly secured. The ADC/JDC/USP policy concerning weapons shall be followed for interview or interrogations conducted at their respective facilities.

603.7 SECURITY

The interviewer or assisting personnel should inspect the room before and after conducting an interview/interrogation. Members of the Department should be alert to the contents of the room prior to utilizing it.

- All suspects and potential suspects will be pat searched prior to entering the room. Pat searches of the opposite sex will be conducted in accordance with WVPD policy.

- Because the rooms are in an unsecured area, suspect interviews/interrogations will be monitored in person or from the adjacent audio/video control room at all times. If a second officer is not immediately available, the officer/investigator shall take steps to ensure assistance can be summoned prior to conducting the interview/interrogation.

- The interview room is not a holding cell. If an arrestee or prisoner (adult or juvenile) is left alone in an interview room, he/she must be monitored at all times. The utilization of audio/visual equipment must be on and working prior to the officer exiting the room. An officer must be in close proximity to the room and be readily available to provide assistance, should they be summoned.

- Only one (1) arrestee/prisoner at a time will be in the interview room unless the combination of suspects will aid or advance any investigation.

- Arrestees/prisoners should be handcuffed during ingress and egress from the building, prior to and during interviews; however, the handcuffs may be removed at the discretion of the officer/investigator conducting the interview.

603.8 GENERAL GUILDELINES

(a) Items in the interview rooms should be limited to a table and enough chairs to accommodate the individuals in the room. Any other items brought into the room shall

be at the discretion of the officer/investigator conducting the interview. Any items removed from the interviewee should be taken prior to an interview and secured to prevent theft or loss;

(b) The number of people present while conducting an interview/interrogation should be kept to a minimum. Typically, this should be no more than two officers/investigators and the person being interviewed. Special circumstances may require a parent, guardian, or legal Representation. Ultimately, it will be up to the primary officer/investigator on a case-by-case basis, to make the decision as to who may be present;

(c) All individuals are afforded an opportunity to address their personal needs during an interview. It will be at the officer/investigator's discretion when a break will be conducted. All individuals being interviewed who wish to utilize the facilities (restrooms, water, etc.) shall be escorted by an officer/investigator at all times within any secured area of the West Valley City Police Department and Investigations Section;

(d) Audio/visual equipment shall be utilized when available and in compliance with Utah State Law governing the electronic recording of all custodial interrogations involving felony crimes. The Equipment Rooms at the West Valley Police Department and Investigations Section each have the audio/visual media necessary to document interviews/interrogations. Any technical or supply issues should be brought to the attention of a supervisor to ensure steps are taken to address them.

(e) It is strongly recommended that all statements relating to crimes resulting in death or violent felonies involving assaults, weapon offenses, sexual assault, kidnapping, child abuse, strangulation, or offenses being investigated as part of the same course of conduct as the offenses described above, or the waiver of such rights made during a custodial interrogation at a place of detention will be electronically recorded, duplicated onto a CD or DVD and handled as evidence.

(f) During an Interview/Interrogation, the door to the room should remain closed but not locked.

603.9 SUMMONING ASSISTANCE

- Uniformed personnel may request assistance by way of their portable radio.
- Non-uniformed personnel may request assistance by way of their portable radio, cellular phone, or by verbal communication to personnel proximate to the interview rooms.
- Medical personnel share the public safety building and can quickly be summoned if needed.

603.10 ACCESS TO RESTROOMS, WATER, OR COMFORT BREAKS

Subjects will be provided access to the restroom, drinking water and other needs. Reasonable access to these needs cannot be withheld as an interview tactic. Comfort breaks are permissible when practical, but interviewers will maintain observation of the suspect during this time to ensure the suspect's safety.

604 - Suspicious Activity Information Management

604.1 PURPOSE AND SCOPE

The West Valley City Police Department receives information on suspicious activities requiring long-term investigations outside the scope of normal patrol duties. The purpose of this policy is to establish guidelines for the receipt of this information. Standardized procedures are necessary to ensure that information received is documented, analyzed, and disseminated appropriately for follow up investigation.

604.2 PROCEDURE

(a) **Sources of Information** - The West Valley City Police Department receives information concerning vice, narcotics, organized crime, and other suspicious activity from a variety of sources including, but not limited to tips, citizens, West Valley City Police Department personnel and outside law enforcement agencies.

1. All information received by the West Valley City Police Department regarding alleged illegal activity associated with vice, narcotics, organized crime, and suspicious activity reporting outside the scope of normal patrol duties is considered a tip.
2. All suspicious or threatening communication received by the West Valley City Police Department indicating a possible public safety concern or perceived public safety risk due to an expressed or implied threat is considered a tip.

(b) **Initial Documentation** - The West Valley City Police Department will use the Department's Records Management System (RMS) to document all tips.

(c) **Review and Assignment Procedures** – All tips will be received and reviewed by the Information and Intelligence Unit (IIU) Sergeant or his/her designee. An assessment will determine whether to assign the tip for further investigation.

1. The assessment will consider a variety factors and circumstances, to include:
   i. Seriousness of the alleged violation.
   ii. Credibility of the source of information.
   iii. Urgency of action.
   iv. Probability of taking effective action.
   v. Availability of personnel and resources.
   vi. Any operational issues unique to the situation.
2. Once a determination has been made to investigate, the tip will be designated as an active investigation and assigned to the appropriate unit supervisor to be assigned to an investigator or analyst.

3. The Chief of Police is advised of the activities of the Special Investigations Section by means of State of the Watch reports and, if needed, through daily contact with the Deputy Chief over the Special Operations Bureau or his/her designee.

(d) **Follow-up Documentation**

1. The assigned investigator or analyst will complete an initial or supplemental report(s) as needed to document investigative activities regarding a tip.
2. All active investigations will be documented in the Department's report management system.
3. All assigned tips will be thoroughly investigated in a timely manner.
4. Tips related to criminal activity, not within the jurisdiction of the West Valley City Police Department, will be forwarded to the appropriate law enforcement agency. The appropriate supervisor will forward a copy of the tip to the agency having primary jurisdiction.
5. Tips meeting the FBI criteria for Suspicious Activity Reporting (SAR) will be forwarded to the State Information and Analysis Center (SIAC) for entry into the Guardian system and FBI review.

(e) **Disposition**

1. The responsible supervisor or assigned investigator will determine when an investigation is no longer active. This determination will be based on a variety of factors, including:
   i. The original information is found to be false or baseless.
   ii. The suspect is charged in another investigation.
   iii. The District Attorney/City Attorney will not issue an arrest warrant.
   iv. All investigative leads/techniques have been exhausted.
   v. The suspect was arrested and charged in this investigation.
   vi. The suspect is deceased.
2. Once an investigation is completed or determined to be inactive:
   i. All original reports and related documentation will be forwarded to the Records Section.
   ii. The responsible supervisor will close out the case.

606 – Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent – The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the West Valley City Police Department seized property for forfeiture or when the West Valley City Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture – The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer – The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture – Property that has been used to facilitate the commission of a federal or state offense and any proceeds of criminal activity, including both of the following:

(a) Real property, including things growing on, affixed to and found in land

(b) Tangible and intangible personal property, including money, rights, privileges, interests, claims and securities of any kind.

Seizure – The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The West Valley City Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the West Valley City Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

(a) Property that may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer includes:

1. Property subject to forfeiture that has been identified in a court order or is the subject of a prior judgment.
2. Property subject to forfeiture that is seized incident to an arrest or upon the authority of a search or administrative warrant.

(b) Property subject to forfeiture can be lawfully seized without a court order when:

1. There is probable cause to believe it is directly or indirectly dangerous to health or safety.
2. It is evidence of a crime.
3. It has been used or was intended to be used to commit a crime.
4. It constitutes the proceeds of a crime.

Whenever practicable, obtaining a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

Property that should not be seized for forfeiture includes:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture guidelines.

(b) Property that the officer reasonably believes may belong to an innocent owner.

(c) A motor vehicle used in violation of driving under the influence of alcohol and/or drugs; driving with any measurable controlled substance in the body; driving while having a controlled substance in the body and causing serious injury; automobile homicide; or a local DUI ordinance, may not be forfeited unless any of the following apply:

1. The operator of the vehicle has previously been convicted of a violation committed after May 12, 2009, of offenses specified in Utah Code 24-4-102.
2. The operator of the vehicle was driving on a denied, suspended, revoked or disqualified license and the denial, suspension, revocation or disqualification was imposed based upon violations specified in Utah Code 24-4-102.

(d) Property used to facilitate specific crimes related to pornography or material harmful to children if the seizure would constitute a prior restraint or interference with a person's right under the First Amendment to the U.S. Constitution or the Utah Constitution.

606.3.3 SEIZED VEHICLES

Any vehicle that is identified as being possible proceeds of a criminal act shall be impounded per departmental policy and procedures, with the following exceptions:

(a) The officer will determine if the vehicle meets the forfeiture requirement.

(b) If the vehicle meets the forfeiture requirement, the vehicle will be impounded and taken by the towing company contracted to do City Impounds to the designated vehicle storage lot and stored in a secure area. The vehicle will not be State Tax impounded.

1. If the designated storage lot is unavailable, a supervisor may authorize that the vehicle be transported to the lot of the responding tow truck company.
2. The location where the vehicle is stored will be noted in the officer's report.

(c) Photographs of the vehicle will be taken prior to impounding.

(d) Officers will remove any personal property from the vehicle and, if the property is not evidence, return the property to the property owner while on scene or book it into the Evidence Room for safekeeping.

(e) Note the condition of the vehicle, including all damage.

(f) Once the vehicle is removed to the impound lot, two officers will make an inventory of the vehicle's contents and remove all remaining property from the vehicle. Property that is not evidence and was not returned to the property owner on scene will be booked into the Evidence Room for safekeeping. Any property that is evidence or that meets the forfeiture requirements will be booked into evidence in accordance with the Property and Evidence Policy, §804. If property in the vehicle is booked in for seizure it shall be processed as described in section 606.4.

(g) Document the following in the initial report:

1. Any lien-holder or other person/entity that may have an interest in the vehicle.
2. Whether the registered owner of the vehicle was the driver or a passenger in the vehicle.
3. Any information that shows whether or not the owner or any interest holder had knowledge of the activity that subjected the vehicle to seizure.
4. If associated with narcotics, the type and weight of the narcotics found.

Once a seized vehicle has been awarded to the department, the forfeiture reviewer and a second employee will go through the vehicle to ensure that no property was missed in the original inventory. If any property is found in the vehicle, the forfeiture reviewer will determine if it shall be booked into the Evidence Room for safekeeping to be returned to the owner, or if the property is evidence or subject to seizure. Any property that is evidence or that meets the forfeiture requirements will be booked into evidence in accordance with the Property and Evidence Policy, § 804.

The forfeiture reviewer will then arrange for the vehicle to be sold through the contracted auction business and will follow up on all paperwork regarding the proceeds from the sale of the vehicle ensuring that the department's costs are recouped and the remainder of the funds are distributed to the State and processing attorney's office.

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a reports and original seizure forms with 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seize, particularly cash, jewelry and other valuable items.

Officers who suspect property many be subject to seizure by are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAIN SEIZED PROPERTY

The Evidence Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used by the Department unless the forfeiture action has been completed.

(e) Associated documentation complies with Utah Code 24-2-103.

606.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly the Forfeiture and Disposition of Property Act (Utah Code 24-1-101 et seq.) and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws (Utah Code 24-4-114). The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

    1. Names and contact information for all relevant persons and law enforcement officers involved.

    2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).

    3. A space for the signature of the person from whom cash or property is being seized.

    4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

    5. Any other information that may be needed to comply with Utah Code 24-2-103.

(g) Ensuring that those who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media or departmental directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
10. A written plan should be available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
11. A copy of the property receipt is kept in the case file and, if the property is transferred to another agency, a copy of the receipt is provided along with the property.
12. Any records of a related interview of a child are retained pursuant to Utah Code 24-2-103.
13. The request a forfeiture action be commenced by the forfeiture attorney as provided in Utah Code 24-4-103.

(i) Ensuring that the Department disposes of property as provided by law following any forfeiture.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives. The Utah Code 24-4-114 should be referenced for reporting federal seizures to the Utah Commission on Criminal and Juvenile Justice.

606.7 DISPOSITION OF FORFEITED PROPERTY

No property seized shall be transferred, sold or auctioned to an employee of this department.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Any property, money or other items of value received by this department pursuant to a federal forfeiture shall be used in compliance with federal laws and regulations relating to equitable sharing. Such property may be used to fund crime prevention and law enforcement activities described in Utah Code 24-4-117(9). State law prohibits the use of property or money received to be used for such things as salaries, benefits, any expenses not related to law enforcement and other purposes specified in Utah Code 24-4-117(10).

Money received as a result of a federal forfeiture may only be used as approved by the City Council.

606.8 LIMITATION ON FEES FOR HOLDING SEIZED PROPERTY

The Department will not charge a person contesting a forfeiture any fee or cost for holding seized property as the result of any civil or criminal forfeiture in which a judgment is entered in favor of the person, or where a forfeiture proceeding is voluntarily dismissed by the prosecuting attorney.

607 - Covert Operations

607.1 PURPOSE

The purpose of this procedure is to create general guidelines by which all undercover operations must adhere. The adherence to established policies and procedures would aid in securing the undercover agents' welfare, both physically and mentally, as well as, enhance the effectiveness of undercover operations. Only those who have been properly trained in undercover work will work in a covert capacity during operations.

It is the guiding principle of the West Valley City Police Department that all undercover operations be conducted in a safe and effective manner with an emphasis placed on the physical and mental wellbeing of undercover and sworn personnel.

607.2 BALLISTIC VESTS

As a general rule, a Department-approved ballistic vest will be worn by undercover personnel whenever they could reasonably be expected to take enforcement action, outlined in West Valley City Police Department Policy 1024, Body Armor. This should include all search warrants, knock and talks, arrest warrants, backing assignments for controlled purchases etc. The exception to this guideline would be undercover personnel involved in undercover transactions.

607.3 UNDERCOVER GUIDELINES

(a) No one is permitted to be involved in an undercover transaction alone without backing personnel. The use of backing personnel is mandatory in all cases, investigations, and operations that require the use of undercover purchases involving Department personnel or those who have been authorized by the Department to make purchases or conduct covert operations. The level and required number of backing personnel will be determined by the immediate supervisor. When planning or anticipating back up coverage, all personnel are directed to bear in mind that the safety and wellbeing of the involved Undercover Personnel is priority and will take precedence over all other issues, i.e., overtime concerns, etc.

(b) When performing surveillance, the case investigator and/or unit supervisor shall determine how many investigators will be needed to ensure ample vehicle and foot surveillance can be maintained.

(c) No undercover or covert operations will be made without prior planning. Planning will include considerations for familiarizing officers with operational objectives and details.

(d) There will be no deviation from an established operational plan without notice, and/or approval by a supervisor or the case agent, and all participants being fully advised.

(e) The unit supervisor will be informed of the progress of all investigations, including any problems that arise during an investigation.

(f) A supervisor will be notified of all undercover activities, and be present during all undercover operations.

(g) Undercover officers will carry a Department-approved firearm unless given prior authorization by their supervisor not to carry the Department-approved firearm during an

undercover or covert operation.

(h) All undercover or covert operations will be documented in police reports submitted to the Department's records management system.

(i) Backing personnel will be equipped with Department radios that will be used as the primary means of communication during undercover or covert operations.

(j) Before an undercover or covert operation, the undercover officer(s) will establish, with the surveillance team, routine and emergency verbal and visible communication signals.

(k) The undercover officer(s) will, whenever possible, use a concealed voice transmitter so the surveillance team can maintain communications to ensure added safety. Operational planning will account for contingencies in the event the voice transmitter malfunctions, or otherwise becomes inoperable, so that communication is maintained between the surveillance team and undercover officer(s).

(l) The case investigator or undercover officer will determine when an arrest will be made after ensuring all probable cause for the arrest has been met.

(m) The search and seizure of evidence and/or contraband will be conducted in accordance with West Valley City Police Department Policy 322, Search and Seizure.

(n) If search and/or arrest warrants are obtained, the supervisor will designate a person to coordinate the service of the warrants. The coordinator will develop strategies and tactics for approaching, entering, securing, and leaving the targeted area. The service of search and/or arrest warrants will be audio/video recorded pursuant to West Valley City Police Department Policy 343, Body Worn Cameras.

(o) In the event an undercover or covert operation is planned outside the jurisdiction of West Valley City, prior notification and/or coordination is required with the appropriate law enforcement jurisdiction.

607.4 CONTROLLED PURCHASES BY INFORMANTS

(a) Purchases of controlled substances and/or property by informants must be supervised by investigative staff, who will insure the integrity of the operation. A Department-approved operational order shall be completed and reviewed by the supervisor responsible for the operation prior to the purchase. The supervisor shall ensure that enough backing personnel are assigned in the event that it is necessary to "rescue" the informant if needed. The operational order will give all personnel a clear understanding of their assignment, increasing the safety of the informant.

(b) A search shall be made of all informants and their vehicles prior to any purchases. This search will be completed even if detectives are to accompany the informant. In addition, a search will be conducted after all transactions to insure that all contraband has been seized and no money was retained by the informant. This is also outlined in Department Policy 609.2, Evidence and Information Funds.

(c) All transactions of controlled substances and/or property will be corroborated by surveillance by the investigative staff. When it is feasible, audio surveillance should also be used as a safety measure.

(d) All money used to purchase controlled substances and/or property will be recorded by serial number prior to the purchase and monies should not be "fronted" (given to the

dealer without the purchased items present) unless approved by a supervisor.

(e) Payment of any informant will fall under the guidelines listed in Department Policy 609, Accounting and Fund Disbursement.

607.5 UNDERCOVER PURCHASES BY SWORN PERSONNEL

(a) Undercover buys of either controlled substances and/or property shall be approved by a supervisor prior to the transaction. An Operational Order shall be completed and reviewed by the supervisor prior to the purchase. A briefing should be given to all participating investigative staff. The briefing will give all personnel a clear understanding of their assignment, increasing the safety of the undercover personnel.

(b) The operational plan shall include enough personnel to safely rescue the undercover personnel in the event they are placed in danger. Consideration should be made in planning to be readily identifiable as a police officers in the event a rescue is needed. A verbal and visual (if applicable) trouble signal should be established and understood by all investigative personnel involved in the operation prior to the undercover transaction. The entire operation shall be closely monitored with a remote surveillance wire. Should the wire become inoperable, a phone call with a pre-planned code word should be used to notify the undercover personnel that there is a problem. An open line on the cell phone can be used as a backup system to monitor the transaction.

(c) All money used to purchase controlled substances and/or property will be recorded by serial number prior to the purchase and monies should not be “fronted” unless approved by a supervisor. If at all possible the undercover personnel should not participate in any arrests.

607.6 REVERSE STINGS

(a) A reverse sting is a traditional technique in which the undercover agent poses as a drug seller rather than a drug buyer. Reverse stings are a valuable tool in investigating narcotic related crimes. There are inherent dangers that go along with this type of investigation; therefore, all reverse stings shall be conducted with the approval of the unit supervisor and the section lieutenant or deputy chief. An operational order will be completed and approved by the supervisor responsible for the operation and a briefing will be held prior to any reverse sting operation.

(b) All narcotics used in a reverse sting operation shall be acquired from Evidence and shall be returned directly at the conclusion of the operation.

(c) If at all possible, the undercover personnel should not participate in the arrest.

607.7 SEARCH WARRANTS

(a) All covert operation personnel will comply with the Search Warrant Guidelines identified in Department Policy 322, Search and Seizure.

(b) The case detective shall be responsible for coordinating the search and the disposition of all seized items. The responsible supervisor shall ensure that nothing is taken from the scene of the search unless it is included in the warrant and documented on the Inventory Receipt that shall be left at the place that has been searched or given directly to the person that was in possession of the place or property that has been searched.

The case detective is responsible for the chain of custody of all seized evidence until it is properly booked into the Evidence room. The case detective can assign an Evidence custodian and finder who will handle the evidence, but is still responsible to see that it is documented and booked correctly.

(c) The service of search warrants will be audio/video recorded pursuant to West Valley City Police Department Policy 343, Body Worn Cameras.

607.8 UNDERCOVER IDENTIFICATION

(a) When an officer works undercover in a drug, vice, decoy, or organized crime investigation, the officer may be issued false identity, and other necessary credentials, with the approval of the section Lieutenant and Deputy Chief.

(b) In those circumstances where a fictitious identification is needed in order to further an investigation; the supervisor of the detective needing the identification will contact The Bureau of Criminal Identification (BCI) and coordinate with them in order to obtain the identification. Fictitious identifications shall not be used for anything other than approved operations.

607.9 EQUIPMENT FOR SURVEILLANCE AND UNDERCOVER ACTIVITIES

The Department will provide the equipment necessary to conduct surveillance and uncover activities.

(a) Such equipment requires special care and control. Consequently all special equipment utilized for such operations will be stored securely or in a manner to prevent unauthorized use until deployed, and controlled through an equipment sign out sheet. Special equipment may be signed out for a long period, dictated by the mission of the operation, but must be returned and signed back in when not in use.

1) Equipment includes, but is not limited to:

a. Electronic listening/recording equipment.

b. Surveillance vehicles.

c. Video cameras, recorders and players.

d. Vehicle location equipment.

e. Specialized communication equipment.

f. Unmarked vehicles (cold cars).

(b) Only employees with technical understanding of such equipment should deploy the equipment. For specialized equipment, training is available upon request and required before deployment.

1) Any deployment of equipment that requires installation by the Surveillance Equipment Technician will require authorization from the Vice Narcotics Unit (VNU) supervisor.

2) If applicable to the installation, the Surveillance Equipment Technician will be trained and certified according to Occupational Safety and Health Administration requirements.

(c) All equipment required in such operations will be utilized in accordance with Department policy, Federal and State law, as well as the manufacturer's recommended guidelines.

(d) The equipment and sign out sheet will be inspected quarterly by the VNU supervisor. The VNU supervisor shall ensure all equipment is accounted for and functional, as well as verify the proper use of the sign out sheets. A written report detailing the results of the quarterly inspections will be submitted to the VNU lieutenant, and forwarded to the Special Operations Bureau Chief.

(e) Other than binoculars, personnel shall not use any surveillance or undercover equipment unless authorized and approved by a supervisor. An exception would be if circumstances were such that a time element does not allow for prior approval. In those instances, a supervisor will be notified as soon as is reasonably feasible.

608 - Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. Officers are encouraged to develop independent sources of criminal intelligence, through the use of informants. To protect the integrity and liability of the West Valley City Police Department and the officers utilizing informants, it shall be the policy of the Department to take appropriate precautions by developing sound practices in managing informants. The procedures outlined in this policy shall be closely adhered to. Officers shall not disclose any information regarding confidential informants or activities involving confidential informants.

608.2 INFORMANT FILE SYSTEM

The Vice Narcotics Section Lieutenant shall be solely responsible for the security and maintenance of the master Informant File System for the Department. As such, the Vice Narcotics Section Lieutenant will be responsible for all Department informant files regardless of which bureau or section utilizes informants. The master informant file will be stored in the Police Department in a locked storage device to which only the Vice Narcotics Section Lieutenant has access. The Vice Narcotics Section Lieutenant will ensure the master informant file remains secure at all times; that removal of individual informant files from the informant master file is for official purposes only; that removed files are returned promptly once the official purpose has been accomplished; and, that no informant files are removed from the confines of the Police Department. For the purposes of this policy, Police Department refers to Police Department headquarters and any official Department facility other than Department headquarters.

A separate file shall be maintained on each informant. Each file will be clearly marked with an assigned, sequential informant number. Only the assigned informant number will be used to identify the informant in police reports, affidavits for search warrants, or any other documentation where there is a need to protect the identity of the informant. Information in these files is confidential and will not be released without prior approval of the case agent, section sergeant, and section lieutenant of the section utilizing the informant; and, in concurrence with the Vice Narcotics Section Lieutenant. . Each time an informant is utilized, a brief summary will be placed in the informant's file documenting the actions of the informant. This will allow the informant to build a history and show reliability/unreliability. Information on payments to informants is to be recorded in the informant's file along with a copy of the signed payment receipt. A ledger listing the names and file numbers of all informants will be secured in the secured informant master file. All informant files will be made available to the command staff, the case agent and/or others as required by law.

The Vice Narcotics Section Lieutenant will be responsible to de-conflict anytime a new informant is being considered for use. The de-confliction date, time and the name of the sergeant spoken to will be documented by the Vice Narcotics Section Lieutenant in the respective informant's file. The de-confliction will be completed to ensure the following:

(a) The informant is not currently being used by another section.

(b) If the informant is currently being utilized by another section, the Vice Narcotics Lieutenant will confirm concurrent use with the appropriate supervisor of the section to which the informant is currently being utilized and the appropriate supervisor of the section requesting consideration for use

(c) If the informant has been used in the past by another section, whether the informant was deemed reliable or unreliable.

608.2.1 FILE SYSTEM PROCEDURE

The section sergeant will maintain individual files on each informant. Only the case agent, section supervisor, lieutenant, command staff and Chief of Police will have access to these files. The informant file will contain the following information:

(a) Number assigned to the informant.

(b) An Informant Personal History Form.

(c) Criminal history.

(d) A copy of the Confidential Informant Regulations Form initialed and signed by the informant and witnessed by two detectives.

(e) A copy of the informant's driver's license.

(f) Photographs of the informant (side and front views).

(g) Copies of NCIC, NLETS and warrant inquiries on the informant.

(h) Records of any meetings with the informant, to include date, time, who attended and the result of the meeting. It shall be the responsibility of the case agent to keep the informant file up to date at all times.

(i) Informants with illegal immigration status will need to be cleared with INS prior to use.

(j) An Intra-Departmental Correspondence from the requesting officer's supervisor approving the requested use of the informant.

608.3 SOURCE OF INFORMATION DEFINED

In all reports generated by officers, a source of information shall be identified as a S.O.I. Different S.O.I.'s can be categorized more specifically as follows:

Confidential Reliable Informant (CRI) - An informant is a person acting as an agent for the police department whose reliability and credibility has previously been established. This usually consists of, but not limited to, a least one prior occasion where information provided by the informant proved to be factual and resulted in a valid arrest or continued investigation. This does not include concerned citizens

Confidential Informant (CI) - An informant who is untested and is possibly providing information to law enforcement for the first time.

Defendant Informant (DI) - An informant who is working to reduce pending criminal charges. Defendant Informants are generally not paid. In extreme circumstances the Defendant Informant may receive funds with the pre-approval of the section lieutenant.

Paid Informant - An informant who is usually a CRI and has no pending charges. Payment to an informant will be pre-determined by a section supervisor.

Concerned Citizen - A citizen who provides information to law enforcement based on motivation to improve the community, under circumstances that do not cast doubt on truthfulness. Such information is automatically considered reliable and generally no additional information concerning their good faith or honesty is required.

Anonymous Informant - An individual who refuses to identify themselves to law enforcement and whose identity is unknown. An anonymous informant is not considered a citizen informant and is considered inherently unreliable since their identity, background and motivation cannot be reasonably determined.

Juvenile Informant - An individual under 18 years of age, only to be utilized in extreme circumstances. Prior approval is required from the Juvenile Court, the Chief of Police and the parent(s)/guardian(s) of the juvenile.

608.3.1 JUVENILE INFORMANTS

It shall be the policy of the West Valley City Police Department that persons under the age of 18 years of age shall not be utilized as informants for narcotics or violent crime investigations, except in extreme circumstances. Any use of a juvenile informant will require approval from the Chief of Police. Approval must be obtained from the juvenile court and the juvenile's parent/guardian, whichever is applicable. The same confidential informant standards and procedures will apply when handling juvenile informants.

608.4 USE OF INFORMANTS

Officers must realize there are inherent dangers involved with the use of informants. An informant's motivation for providing information must be carefully scrutinized by the handling officer and respective supervisors. Physical danger may also exist when handling informants, especially when dealing with narcotics, gangs and violent crimes. Because of the many pitfalls and liability associated with handling informants, no officer shall manage an informant without first attending approved training in Informant Management.

Coercion shall never be used in recruiting informants. Any direct promise of freedom from arrest, prosecution or reductions of charges is strictly prohibited. Any considerations for charges must be referred to the prosecutor's office for review and the agency responsible for the charges pending against the informant. The date, name of the prosecutor and the officer from the outside agency giving permission will be noted in the informant's file. Informants will never be paid by the police department to testify in court.

If an officer learns that a potential informant has personal knowledge of a crime with the potential to harm others, an appropriate supervisor shall be notified immediately. If the informant discloses information which adversely reflects upon the integrity or conduct of a law enforcement officer or agency, the Office of the Chief will be notified.

If the informant is found unreliable at any time, the case agent is responsible for immediately notifying the section sergeant and documenting this information in the informant's file. The file of the informant who is found unreliable will be separated from the "active" informant files and

flagged as "unreliable". In the event that another officer wishes to use the same person in the future as an informant, approval must be obtained from the section lieutenant, along with documentation as to why the informant is being reactivated.

Prior to using an individual as a confidential informant, the officer must receive approval from the appropriate section supervisor. The officer shall compile sufficient background information about the person in order to determine the reliability and credibility of the individual. A complete debrief of the informant shall be conducted by the handling officer. Details of the informant debrief will be placed into the informant's file. Other criminal activity will be documented and submitted to the Intelligence Unit.

No officer shall use the services of an informant who wants to work for consideration of charges without the permission of the prosecuting attorney's office.

The use of persons on formal parole and or probation, as informants, should be avoided. Approval for the use of individuals, as informants, who are on formal probation or parole will be authorized, in writing by Adult Probation and Parole or the monitoring agency, as well as by the section lieutenant. A copy of the written permission from Adult Probation and Parole or the monitoring agency will be placed in the informants file.

All confidential informants are required to sign and abide by the provisions of the Confidential Informant Regulations. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant. Prior to use of the informant, the appropriate section supervisor will review the provisions. A copy of the Confidential Informant Regulations will be placed into the informant's file.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

The relationship between officers and informants shall be entirely ethical and professional at all times. Fraternization with an informant in any way other than in an official capacity is strictly prohibited. An officer will **never** meet with an informant alone. Only during actual undercover operations should an officer be alone with an informant. The undercover operation will be closely monitored visually and audibly by other team members. Any meeting with an informant will be noted in the informant's file and will include a case number, details of the meeting and the names of the officers that were present. Officers shall not accept gifts or gratuities from an informant at any time.

To maintain officer/informant integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of an informant from their supervisors.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers or employees of the West Valley City Police Department, and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the section supervisor.

(g) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(h) In all instances when Department funds are paid to informants, a Confidential Informant Payment Form shall be completed in advance, itemizing the expenses.

(i) Informants will not act independently of the handling officer.

(j) Officers should take additional precautions when dealing with informants of the opposite sex and with informants whose sexual preferences may make an investigation more susceptible to compromise through alleged improprieties.

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements. All informants will be paid in accordance with the procedures outlined in §Policy 609, Accounting and fund disbursement.

609 - Accounting and Fund Disbursement

609.1 PURPOSE AND SCOPE

This policy provides the procedures that will be followed when accounting for or disbursing Department funds for the purpose of purchasing evidence or information, and the payment of informants for services rendered in order to further the needs of an investigation.

609.2 EVIDENCE AND INFORMATION FUNDS

Funds will be established, by the appropriate units or sections, to be used for the purchase of evidence or information and the payment of informants for services rendered. The section lieutenant will be responsible for managing and auditing all funds. The funds will be disbursed to the unit sergeant or section lieutenant and an audit of those funds will be completed monthly, by the section lieutenant. These audits will be sent through the chain of command to the Deputy Chief of the Operations Bureau on a quarterly basis.

At the discretion of the section lieutenant, the officers assigned to that section may be issued a predetermined amount of money, not to exceed $500.00 for the purchase of evidence or information. All payments of $500.00 or less must be pre-approved by the unit sergeant or section lieutenant prior to the disbursement of the funds. Any and all expenditures over $500.00 but less than $1,000.00 will require pre-approval from the bureau chief. Any and all payments or expenditures of $1,000.00 or more must be pre-approved by the Chief of Police. A monthly audit of each officer's expenditures will be completed. All expenditures will need to be supported with a signed receipt, expense form, or CI payment form.

Officers requesting funds must complete the "Special Fund Request for Cash" form. After the transactions, the "Special Evidence Expense Form" will be completed with receipts attached. If payments are made to informants, the "Confidential Informant Payment" form will be completed and signed by the officer, informant and a witness. Copies of all forms will be maintained in the informant file system.

All fund money received and disbursed will be recorded in a fund ledger, to be maintained by the supervisor with control over those funds. The ledger will identify the initial fund balance. All credits (cash income received) and debits (cash disbursed) will be documented in a ledger with the date, officer receiving funds, the transaction and the new balance on hand.

Each officer who has been issued funds will not mix funds with their personal money. They must be able to produce the funds at any time upon request of a unit or section supervisor or any command staff. Each officer who obtains funds will keep a separate record of his/her own, indicating amounts receive dates, to who disbursed and the remaining balance. This record is also subject to inspection at any time by a unit or section supervisor or command staff.

As a general rule, no money will be given to an informant who has pending criminal charges. No payment will ever be made to an informant until the reliability of the informant is verified. No payments will be made unless the proper informant file has been completed and maintained by the appropriate section supervisor. The officer's sergeant will be kept informed in all cases involving the use of an informant. If an officer expends funds not authorized by this policy, they will be subject to discipline.

Whenever an informant is used on a controlled buy for any reason, the informant will be searched twice. Prior to the initial search the informant will review and sign a "Consent to Search" form, consenting to the searches prior to and following the controlled buy. The first time a thorough search of the informant will be conducted by a designated officer and witnessed by another officer. This search will be to determine that the informant has no money, drugs, illegal items or weapons of any kind in their possession. After the search the officer will give any designated monies to the informant. Prior to any money disbursement, all money shall be copied, identified, recorded and marked for identification by the case agent or designee. The second search will be conducted on the informant as soon as possible after the transaction is completed. This will be to retrieve all purchased evidence, remaining money and to further insure that no other narcotics, monies, illegal items or weapons are found on their person.

609.3 PAYMENT PROCEDURE

The amount of funds to be paid will be evaluated by the appropriate section supervisor(s). The following criteria will be used to determine the amount of funds paid to the informant:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

609.4 SPECIAL USE OF AUTHORIZED FUNDS

Funds may be used to purchase alcohol for evidence in liquor violation cases or to rent or lease vehicles for undercover vehicles for a short period of time. Expenditures of this type must receive prior authorization from the section lieutenant.

Occasionally a situation may arise causing the officer to follow a suspect out of the county. The officer many find it necessary for these funds to be used for gas, food or other travel expenses. Officers must receive prior approval from the appropriate supervisor for these types of expenses. The officer will attach receipts of all expenses in this category.

During the course of many investigations it often becomes necessary to spend money for various things related to criminal activity, but which cannot be classified as physical evidence. This may include, but is not limited to, funds for hotels/motels, apartments, store fronts and funds for undercover detectives. Receipts should be obtained when it will not expose the undercover operative. In these cases, approval of the section lieutenant will be required prior to any expenditures of this type.

With prior approval, undercover officers may expend funds to purchase alcoholic beverages to allow them to blend in at bars, taverns or clubs. Officers are never authorized to become intoxicated in such situations.

610 - Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

If practical, the dialogue between the officer, interpreter and witnesses should be recorded.

610.4 EYEWITNESS IDENTIFICATION FORM

The Investigations Section supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.

(f) An admonishment to the witness that the investigation will continue regardless of whether identification is made by the witness.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

610.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being

presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) Officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

614 - Pawn Shop Holds

614.1 PURPOSE AND SCOPE

Property with evidentiary value is often found at pawn shops and secondhand businesses. Utah law allows the West Valley City Police Department to seize or place a hold on such property. This policy provides guidance on placing such holds.

614.2 POLICY

The West Valley City Police Department will place a hold on an item that has evidentiary value and is in the possession of a pawn or secondhand business only as allowed by Utah law and when the item is necessary to an open investigation.

614.3 PROCEDURE

A member of the Department may require a pawnbroker or secondhand business to place a 90-day hold on an item in the possession of the pawnbroker or secondhand business if the item is necessary to an open investigation. The hold may be extended for an additional 90 days if warranted by exigent circumstances. Subsequent extensions must be approved by a court order. An officer may seize the item only as permitted by law:

(a) When seizure is necessary to permit the fingerprinting or chemical testing of the item.

(b) For use as an exhibit at trial, as authorized by the prosecutor.

(c) If the item contains unique or sensitive personal identifying information.

A written hold notice shall be provided and shall include:

- An active case number.
- The date of the hold request and the article to be held.
- Notice to the pawnbroker or secondhand business of contact information to allow tracking of the article when the prosecuting agency takes over the case.

If the pawnbroker or secondhand business is located outside of the jurisdiction of this department, a copy of the notice shall be sent to the local law enforcement agency having jurisdiction. An extension of the hold must be communicated in writing to the pawnbroker or secondhand business prior to the expiration of the initial 90-day hold.

Whenever the officer has reason to believe that property subject to a hold is in the possession of a pawnbroker or secondhand business, the officer should notify the person who reported the property as lost or stolen, as well as any agency taking a report, of all of the following:

- The name, address and telephone number of the pawnbroker or secondhand business that reported the acquisition of the property or where the property is located.
- The length of any holding period.

614.4 TERMINATION OF HOLD

The detective assigned to a case where a pawn shop hold has been placed should maintain a file copy of all hold notices and should review the file at least every 30 days for pending expirations. When the need for the hold or seizure of an item is terminated, the detective shall, within 15 days after the termination:

(a) Notify the pawnbroker or secondhand business in writing that the hold or seizure has been terminated.

(b) Return the item to the pawnbroker or secondhand business, or advise the pawnbroker or secondhand business, either in writing or electronically, of the specific alternative disposition of the item.

If this Department receives a registered or certified letter from the pawnbroker or secondhand business informing the Department that the holding period has expired, the assigned detective shall respond within 30 days in the manner prescribed by law.

616 – Cold Cases

616.1 PURPOSE AND SCOPE

To establish guidelines regarding the handling and investigation of cold case files.

616.2 DEFINITION

Cold Case - Any case involving a criminal homicide or suspected homicide in which the manner of death is undetermined but is suspected to be a criminal homicide. Or a death in which the victim is missing and suspected to have been murdered. The case is "unsolved," meaning that no criminal charges have been filed for the murder. A case may not qualify as "unsolved" even though no one has been charged for the homicide for a number of reasons to include;

(a) There is evidence establishing the guilt of the suspect beyond a reasonable doubt (such as a confession, eyewitness identification, DNA, or other forensic evidence) but the suspect could not be brought to trial because he or she died.

(b) There was compelling evidence of guilt but the original suspect was tried and acquitted or could not be prosecuted for technical reasons. For example, a suspect may have been acquitted, or not prosecuted, because the killing was self-defense, or otherwise justified, or a confession or other conclusive evidence of guilt was excluded from the trial.

The original investigation did not result in an arrest, and the case remained inactive for more than one year due to a lack of viable or unexplored leads. If the case was dormant for one consecutive year during any period, without any active investigation, the case will be considered a cold case. However, cold cases do not include all cases that have been dormant for more than 1 year. For example, the suspect may be incarcerated on other charges and for strategic reasons the police or prosecutors decided not to lodge criminal charges while the suspect was incarcerated.

616.3 EVALUATION CRITERIA FOR RE-INVESTIGATING A COLD CASE

(a) Legal considerations such as the application of statutes of limitation;

(b) Technological considerations such as the nature and condition of the evidence, and the advancement of new technology techniques in solving a crime;

(c) Practical considerations such as time, money and personnel available for investigation and forensic analysis.

(d) Emergence of new information pertaining to the case.

616.4 CASE REVIEW PROCEDURE

Any case deemed as "cold" will be reviewed at least one time annually. This review will be to refresh the assigned investigator's knowledge of the case as well as to assist in making a determination as to whether any new criteria exist that should be explored.

616.5 RECORDING INVESTIGATIVE ACTIONS OR ACTIVITIES

Cold Cases

CALEA Standard(s): 42.2.7

Personnel will document all investigative actions taken in written reports and case management in the Department's Records Management System (RMS).

618 – VIP Security Plan

618.1 PURPOSE AND SCOPE

To provide guidance for planning and coordinating the protection of VIPs.

618.2 POLICY

The Department may provide police protection for VIP's or other persons against whom a significant threat is perceived, a potential or known attendance of a significant number of people, or to assist other agencies in their assigned security missions while the visiting persons are in the city.

618.2.1 DEFINITION

A VIP is any person who, because of social, political, religious or other position may be a target of threats, intimidation, extortion, or physical harm to self, family, or traveling companions.

618.3 GENERAL GUIDELINES

When the Department receives information about a VIP being in West Valley City, the information will be forwarded to the SWAT commander. The SWAT commander or designee will be responsible for determining the Department's role, if any, and act as a point of contact for representatives of the visiting dignitary and other agencies that may be involved in the overall security or event.

The designated supervisor will coordinate and supervise all security measures. He/She should make inquiries to the VIP's security representatives regarding:

(a) Date and time of visit

(b) Locations and where security is needed

(c) Specific travel routes of any processions through the City

If a VIP has his or her own security detail, the designated supervisor or designee will arrange for coordination between the Department's security detail and the outside security detail.

The designated supervisor shall prepare a written plan of the detail and submit it through the chain of command as soon as is practical prior to the event.

618.3.1 CONSIDERATIONS FOR PLAN DEVELOPMENT

When developing the plan, the assigned supervisor will consider the following areas:

(a) Equipment, weapon, vehicle, and personnel requirements

(b) Reconnaissance, scouting, and advance inspections

(c) Intelligence gathering and dissemination

(d) Mutual Aid Requests for personnel and/or equipment

(e) Coordination of emergency services operations and hospitals

(f) Communications among and within agencies

(g) Clear identification methods of agency and inter-agency personnel

(h) Scheduling a briefing for assigned personnel

618.3.2 PLAN BRIEFING

The assigned supervisor will ensure that all involved personnel are briefed as to their responsibilities and the overall mission.

Prior arrangements for dealing with unauthorized persons that become a security issue should be made and discussed during the briefing. Specific plans should be made for dealing with and transporting of arrestees in a manner that does not interfere with the smooth operation of the security plan or jeopardize the safety of the VIP or their staff.

618.4 AFTER ACTION REVIEW/REPORTING

The SWAT commander or designated supervisor of the event will complete an after-action report which is to be forward to the Chief of Police and reviewed by Command Staff. The after-action report will include recommendations for future similar events.

620 – Sex Offense Investigations

620.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of sexual offenses, assisting victims, collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects. Because of the sensitive nature of investigations into sexual violence, this policy is an all-inclusive document that covers first response, investigation, prosecution, and evidence retention.

620.2 POLICY

Victims of sexual violence may be unwilling or unable to assist in an investigation due to the physiological effects of trauma or other factors. Officers and detectives play a significant role in both the victim's willingness to cooperate in the investigation and ability to cope with the emotional and psychological effects of sexual violence. Consequently, it is especially important that these cases be handled from a nonjudgmental perspective with an understanding of the human body's neuro-biological response to trauma. For this reason, sexual offense related investigations conducted by members of the department will be conducted in a manner consistent with a trauma-informed response.

620.3 DEFINITIONS

Sexual Offense - As used in this policy refers to any of the following crimes: Aggravated Sexual Assault, Rape, Object Rape, Forcible Sodomy, Forcible Sexual Abuse, Sexual Battery, Lewdness, or voyeurism.

Trauma Informed Victim Interview (TIVI) - An interview conducted by a properly trained detective in accordance with the principles of the neuro-biology of trauma. This interview technique is designed to allow the victim to provide as much information about the crime as possible according to their ability to do so. This interview technique maximizes the detective's ability to obtain any corroborating information or evidence while minimizing the possibility of re-victimizing the victim. The interview also allows the victim to ask questions and express concerns as well as become informed as to the next steps in the investigation and their role in the investigative process.

Victim Advocate - This generic term may apply to a wide range of service providers, rape crisis counselors, social workers, or departmental victim advocates. Depending on the primary functions of these different advocates, the levels of confidentiality and privilege they have will vary and should, therefore, always be understood by each member of the sexual assault response team and communicated to the victim.

Consent - Words or overt actions by a person who is legally and functionally competent to give informed approval, indicating a freely given agreement to engage in sexual acts.

Examiner - The health care provider conducting the sexual assault medical forensic examination. Also known as Sexual Assault Nurse Examiner (SANE), Sexual Assault Forensic Examiner (SAFE), and Forensic Nurse Examiner (FNE)

Rape – Utah Criminal Code 76-5-402 defines rape as when the actor has sexual intercourse with another person without the victim's consent

Sexual Assault Response Team (SART) – A multidisciplinary team that provides immediate, specialized response to victims of recent sexual assault. The team typically includes health care personnel, law enforcement representatives, victim advocates, social service agencies, and prosecutors. Many SARTs meet monthly and frequently engage in systems reviews to ensure that the best victim-centered services are being provided in their communities.

620.4 PROCEDURES

620.4.1 INITIAL OFFICER RESPONSE

Upon notification of a crime of a sexual nature, the initial officer should respond as soon as possible to the victim's location to contact the victim, address safety concerns, and summon emergency medical assistance if needed. If emergency medical assistance is not necessary, the initial officer should ensure that the victim receives any other necessary medical care.

In conducting the initial investigation, the initial officer should attempt to determine the location of occurrence, time of occurrence, type of sexual assault, victim contact information (also attempt to obtain contact information for the victim's next of kin, family, and close friends to assist detectives in being able to contact the victim in the future.) Contact information of witnesses, if any, and suspect should also be gathered. Any interview conducted by the initial officer with the victim should be limited in scope to these basic factors. A detailed, trauma-informed interview will be conducted with the victim at a later time.

The initial officer should identify the scene, people, vehicles, or objects involved as well as possible safety concerns and secure the crime scene to ensure that evidence is not lost, changed, or contaminated.

In consideration of conducting the initial investigation of a sexual offense, the initial officer should treat each report as factual. The initial officer shall conduct him/herself in a manner to establish trust and rapport with the victim. Patience, understanding, and respect for the victim's dignity shall be expressed at all times. Officers should understand that their conduct during the initial investigation may serve to increase or decrease the victim's willingness to disclose important case facts and participate in the investigation.

The use of alcohol or illegal substance(s) by a victim (including underage drinking) shall not be used to discredit or discourage a victim from reporting a sexual assault. The priority is to conduct a thorough investigation of the sexual assault rather than prosecute victims for misdemeanor violations.

The initial officer should discuss the importance of evidence preservation and should encourage the victim to participate in a forensic medical examination. The officer should be familiar with the various providers of sexual assault examinations in Salt Lake County and explain those options to the victim. If a victim is otherwise in need of medical care in a hospital setting, a SANE

nurse should be paged to the hospital to conduct the exam.

The initial officer should attempt to locate, identify, and interview witnesses.

The initial officer should attempt to identify suspect(s) and obtain contact information.

If a victim desires, a victim advocate should be contacted as soon as possible to assist throughout the reporting and investigative process.

The initial officer should discuss the circumstances and facts of the case with his/her supervisor. The supervisor will then make the determination if a Detective is to be called out for further, immediate investigation.

620.4.2 EVIDENCE COLLECTION CONSIDERATIONS

In conjunction with their supervisor and/or detectives, consideration should be made toward requesting assistance from forensics in processing crime scenes related to sexual assaults.

Responding officers shall protect the integrity of the evidence and guard the chain of custody by properly marking, packaging, and labeling all evidence collected, including:

(a) Clothing worn at the time of the assault and immediately afterward.

Documentation of victim's and/or suspect's injuries, to include photographs. In cases where a SANE exam is conducted, the SANE nurse will document the victim's injuries during the exam. On scene photographs should also be taken as appropriate.

When an investigating officer suspects that a sexual assault may have been facilitated with drugs or alcohol, the officer should determine the time of the incident as soon as possible in order to make decisions regarding the collection of urine and blood samples by a forensic nurse.

Officers shall introduce the need for a medical examination to the victim explaining its importance relative to investigative efforts as well as for the victim's wellbeing. Officers shall not coerce victims into receiving a SANE exam or providing samples for drug screening.

DNA evidence plays a crucial role in the sexual assault investigation. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources to consider such as condoms, sheets, blankets, pillows, bottles, etc. that may contain biological evidence such as semen, blood, sweat, tissue, saliva, hair, and urine.

The sexual assault evidence kit (Code R Kit) shall be accepted from the SANE nurse after it has been properly sealed and labeled.

The kit may contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated.

Investigating officers or supervisors shall have access to the evidence refrigerator after regular business hours, on weekends, and on holidays.

The kit shall not be allowed to freeze or be exposed to heat such as being near a car's interior heater.

620.4.3 INVESTIGATION CONSIDERATIONS

Responding officers and detectives shall be familiar with common defenses to the charges of sexual assault.

Many cases of sexual assault result in a consent defense.

Thus, evidence of particular importance includes, but is not limited to:

(a) Evidence of physical or verbal resistance on the part of the victim.

(b) Evidence of genital or non-genital injury.

(c) Detailed account of the victim's thoughts and feelings during the assault.

(d) Information regarding the suspect's size and strength in comparison to the victim's.

(e) Information regarding the environment in which the assault took place (such as isolation, soundproofing).

(f) Information regarding the victim's behavior after the assault, including but not limited to post-traumatic stress.

Many cases of sexual assault also involve questions of identification pending the processing of DNA evidence, thus officers should diligently attempt to identify and locate witnesses and corroborate information obtained during the investigation. Individuals with whom the victim discussed the sexual assault should be interviewed.

620.4.4 DOCUMENTATION

Any officer who interviews a witness or suspect, identifies evidence, or processes a crime scene shall write their own report detailing the actions taken.

It is important to document the emotions of the victim as well as physical observations (coordination, slurred speech, blood shot eyes, injuries, etc.).

Documentation shall be completed and entered into the official digital case file in a timely manner so as to ensure all documentation is completed in a manner contemporaneous to the activity being documented and in sufficient detail as to appropriately document the details of the investigative activity. Recordings should also be included in the case in a timely manner.

620.5 INVOLVEMENT OF VICTIM ADVOCATES

Victim advocate services should be offered to victims of sexual assault as early in the investigation process as possible. If a victim declines assistance from an advocate, information

related to community resources specifically designed to help victims of sexual assault should be provided to the victim.

620.6 TRAUMA INFORMED VICTIM INTERVIEW PROTOCOL

Based on the length of time between the assault and report of the crime and the individual's personal history, the victim may be in crisis and experiencing post- traumatic stress. Victims may exhibit a wide range of behaviors that may change over time. It is preferable that a few sleep cycles happen before the formal TIVI interview is conducted to allow the victim's body to normalize following the trauma experienced.

Because individual responses to trauma vary greatly from person to person, the response to the trauma of a sexual assault shall not be used in any way to measure credibility. When a victim has experienced a traumatic event or drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime. Not knowing the details of what happened may exacerbate the trauma experienced by the victim.

A thorough and complete investigation shall be conducted. Investigators shall:

(a) Remain patient and maintain an open mind while listening to the victim's account.

(b) Remember that victim may struggle with gaps in memory.

(c) Avoid leading questions while conducting the interview. Use open ended questions.

(d) Use simple terminology appropriate to the victim's age and sophistication.

(e) Avoid using jargon to include police, medical, or legal terms during the interview.

Prior to initiating the interview, the officer/ investigator should:

(a) Review all available reports and evidence, or if not yet available, speak with responding officers, paramedics, dispatchers, etc.

(b) Accommodate the victim's request for a victim's advocate or support person whenever possible.

(c) The interview should be approached in a calm, compassionate, empathetic, and non-biased manner.

(d) Secure a private location for the interview that is free from distractions. The interview should take place in a "soft" interview room. Use the Children's Justice Center or Family Justice Center as appropriate. Victims should be treated with empathy at all times and the investigator should express interest in the victim's well-being. Inform the victim of the importance of full disclosure of everything they are able to remember about what happened.

During the interview the investigator should use the TIVI protocol and abide by the protocol guidelines.

At the conclusion of the TIVI interview the investigator shall:

(a) Ensure that the victim has the investigator's and victim advocate's contact information.

(b) Ensure that the correct and complete contact information for the victim is on file. This should include any temporary living arrangements, contact information for close friends, family, employment information, or other information as appropriate to assist in keeping in contact with the victim to increase the chances of the victim remaining engaged throughout the investigative process.

(c) Encourage the victim to contact the investigator with any additional information or evidence.

(d) Remind the victim that visible evidence of injury may appear later, and to contact the investigator to arrange for additional photographs or other documentation as necessary.

(e) Inform the victim about the next steps in the investigation.

(f) Express appreciation for the victim's participation in the interview.

(g) Ask the victim if she/he has any questions.

620.7 PROTECTING THE VICTIM

Throughout the investigation, officers shall protect the confidentiality of the victim's information to the maximum extent possible by law, policy, and ethics.

In addition, victims should be provided information on the rights of crime victims.

Explanation of how to contact police if harassed or intimidated by the suspect(s) should be given.

As appropriate, the victim should be advised of the possibility of media coverage as well as information the media has access to regarding sexual assault crimes.

620.8 ARREST AND PROSECUTION DECISIONS

In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding the investigation or charges related to the offense.

620.9 DELAYED REPORTS

Delayed victim reporting is common in sexual assault cases due to the trauma and fear experienced by victims and should not deter a thorough investigation. Officers shall inquire about and document the reasons for a delayed report, while avoiding questions that could be perceived as judgmental or accusatory.

620.10 FORENSIC EXAMINATIONS FOR VICTIMS OF SEXUAL ASSAULT

Victim centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that injuries will be documented and evidence collected to aid in the investigation and prosecution of sex offenders. The forensic examination also addresses other needs related to the overall wellbeing of a victim of sexual assault. Evidence may potentially be collected as long as 120 hours after the assault. In some circumstances, it may even be possible to gather evidence beyond 120

hours after the assault. Furthermore, injuries may be documented beyond that timeframe, especially if the victim is bleeding, experiencing pain, or still in the process of healing. As appropriate, direction from forensic nurses should be sought regarding the applicability of forensic examination as related to specific cases. Members of the department shall be familiar with the process related to the administration of sexual assault examinations in Salt Lake County and shall seek appropriate direction as necessary.

620.11 FURTHER CONSIDERATIONS REGARDING FORENSIC EXAMINATIONS

Ask the victim whether there is anyone who should be called or notified, and facilitate this contact.

Address any special needs of the victim such as communication, mobility, and notify the victim advocate of any such need.

Explain the purpose of the forensic examination and its importance to the investigation.

The victim has the right to decline any or all parts of the examination.

Explain that in most circumstances involving a forensic examination, the Rape Recovery Center will be notified by the SANE nurse prior to the exam.

Encourage a victim who is unwilling to undergo a forensic exam to get any necessary medical attention.

620.12 COORDINATION WITH THE SANE NURSE

When a forensic examination is to take place, the investigating officer should brief the examining nurse or physician about the details of the sexual assault known at that point in the investigation.

The police report shall contain a copy of the forensic exam documents and a summary of the findings specifically to include significant information or injury. All evidence obtained from the SANE Nurse following the examination to include code R kits, clothing, etc. shall be promptly transferred to the Evidence Department and properly booked under the related case number.

620.13 INVESTIGATIVE STRATEGY

Investigators should attempt contact with the victim within 24 hours of being assigned the case. A victim advocate should be involved in this contact as possible. The initial contact should be used as an opportunity to arrange for an in-person TIVI appointment and to ensure that the victim's needs thus far in the investigation have been met so as to assist in gaining victim cooperation and engagement in the investigative process. In cases where a victim has indicated to the initial officer that she/he is not interested in pursuing the case, this should be verified with the victim. The victim's wishes in regard to whether or not the investigation is pursued should be respected. If a victim does not wish to pursue the investigation, the victim should be advised that she/he can change her/his mind at any point and the case can be re-opened. The victim should also be referred to appropriate resources.

The TIVI interview should be conducted as soon as possible following the appropriate waiting period subsequent to the sexual assault. The investigator should arrange for an advocate to be available during the interview. The advocate can be present during the interview with the victim's consent but will not participate in the interview.

Prior to conducting the interview, the investigator should determine what information is needed so that all necessary questions can be asked in one interview. Ideally, there should not be a need for any additional interviews.

The investigator should arrange for an interpreter prior to the interview as necessary. Also, accommodations for victims with disabilities should be made prior to the interview as appropriate.

The investigator should explain the importance of the interview and that some questions may seem pointed, but they need to be asked in order to gather evidence.

At the conclusion of the interview, the investigator should explain the charging process to the victim and provide the victim with the investigator's contact information. The investigator should encourage the victim to contact the investigator with any questions or concerns that arise.

In cases where a "pretext" recorded phone call or meeting between the victim and suspect is used, the investigator should ensure that the victim is provided a thorough explanation as to her/his role in such a strategy. An advocate should be included when this explanation is offered to the victim. This method should only be employed with the complete understanding and cooperation of the victim and the investigator shall take into consideration the victim's emotional and physical state.

In addition to conducting a trauma-informed victim interview, the investigator should:
Evaluate the collected evidence and determine which items might have probative value based on the totality of the investigation. Ensure that all evidence that may have probative value is submitted to a crime lab for forensic analysis.

As appropriate, any victim medical records should be obtained with consent.

Ensure that forensic lab requests such as DNA, biology, trace, or toxicology requests are properly submitted. In cases where information suggests that a substance or substances may have incapacitated the victim during the assault without the victim's knowledge, blood and/or urine samples may need to be submitted for toxicology analysis. In cases where the victim reports having intentionally ingested a substance or substances which may have led to incapacitation, consult with the assigned prosecutor regarding proceeding with further toxicology testing.

Ensure that all interviews of victims, witnesses, and suspects are properly documented. If applicable, obtain a copy of the 911 recording.

Continue working with the victim advocate throughout the case so as to ensure that the victim remains informed as to the status of the case. The victim should be notified when the suspect has been charged and any questions the victim has should be addressed.

All cases involving an allegation of a sexual offense that include an identified suspect shall be screened with the appropriate prosecutor's office.

620.14 PROTOCOL FOR SUSPECT FORENSIC EXAMINATIONS

Following the preliminary suspect interview, the investigating officer shall determine whether a forensic sexual assault examination should be obtained for the suspect.

A search warrant may be necessary to collect any evidence from the body of the suspect or to collect the suspect's clothing if applicable. If the suspect consents to such evidence collection, documentation of voluntary consent shall be recorded and documented in the police report along with a signed consent form.

Members of the department shall be trained to collect cells from the inside of a suspect's cheeks for DNA profiling. Cotton tipped swabs or other buccal DNA collectors shall be readily available for members of the department to use in collecting such samples.

620.15 RESTRICTED REPORTS OF SEXUAL ASSALT AND SEXUAL ASSAULT CODE-R KITS

In the state of Utah, health care providers are required to report to law enforcement any person seeking medical care related to a sexual assault. A victim may choose to:

(a) Interview with law enforcement and have a forensic medical exam.

(b) Interview with law enforcement, have a medical exam by a medical provider, and decline the forensic exam.

(c) Interview with law enforcement and decline any medical or forensic exam.

(d) Have a forensic medical exam and decline an interview with law enforcement.

It is important to understand that following a sexual assault, a victim may not wish to pursue a criminal investigation. Cases where a victim does not wish to file a report with law enforcement but chooses to participate in a forensic medical exam are referred to as restricted reports. The victim may change their mind about this decision at any time. In compliance with state law, the department shall retain all sexual assault kits obtained pursuant to a restricted report and no such sexual assault kits transferred to the department's custody will be submitted to the crime lab for forensic processing unless and until the victim chooses to un-restrict their report or if it is deemed necessary for the safety of the public.

All un-restricted code-R kits or their associated U-quick kit transferred to the department's custody from any forensic nurse shall be submitted to the state crime lab for forensic processing. Evidence personnel shall be responsible for ensuring that all such kits are submitted to the crime lab within thirty (30) days and properly entered in the statewide sexual assault kit tracking

system within five (5) business days, per House Bill 200. The supervisor of the Special Victim Unit shall be responsible for notifying the evidence department of any restricted code-R kits so as to ensure that such kits are not submitted to the crime lab for forensic processing.

Officers taking custody of code-R kits and U-quick kits shall ensure that such evidentiary items are promptly and properly booked into evidence under the appropriate case number. In the case of a restricted code-R kit, the officer shall obtain a long form case number and properly book the kit into evidence.

Code R kits received from the Family Justice Center and Primary Children's Safe and Healthy Families will be accompanied by a packet of paperwork to be given to the assigned detective. This packet of paper work shall be placed in the SVU Sergeant's box or in the investigations box in the report writing room. On Code R kits received from Wasatch Forensic Nurses, this paperwork will be submitted to the department electronically. The SVU Sergeant, as well as some SVU Detectives and evidence personnel will be able to access these documents electronically.

620.16 INTERVIEWING JUVENILE VICTIMS

Victims under the age of 18:

Usually officers can accept virtual hearsay information for initial reporting purposes as long as the person giving the information has had direct conversation with the victim concerning the crime and enough information is provided to establish that a possible sexual crime has been committed. If, hearsay information is not available, the officer still needs to obtain enough information to complete an initial report. In doing so, the officer shall allow the victim to tell them what happened, without interruptions if possible. Once the narrative is received, limit questions to clarify basic information such as site of occurrence, suspect information and possible witnesses. It is not the officer's place to question the victim's narrative, even if it seems unreasonable and includes inconsistencies.

It is very important to get accurate contact information for the victim and victim's parents or guardians, including but not limited to: home addresses, home phone numbers, mobile phone numbers, work phone number, email addresses and parent information.

A SVU Detective will follow-up and a forensic interview will be conducted with the juvenile. In obtaining the initial report, it is advisable that no further questions of the victim be conducted.

The initial officer should advise all other parties involved that it would be best that they not question the victim until after the forensic interview.

If the victim lives in a home where the alleged suspect also resides, the Special Victims detectives need to be notified.

Do not allow the victim to return to a home or any place where the suspect is going to be.

Document the case and forward the case number to the Special Victims Unit Sergeant.

6201.17 CALL OUT OF DETECTIVE PERSONNEL

A detective may be called out:

(a) On all burglary sexual assaults
(b) If the suspect is in custody
(c) On child sex assaults where the suspect is in the home.
(d) If the victim is 65 years-of-age or older or there is indication that the victim's mental or physical condition may deteriorate rapidly as a result of the incident.
(e) Investigations which require search warrants.
(f) Cases where the officer or supervisor feels they need assistance. It is the officer's responsibility to discuss with their supervisor the necessity of making a request for call-out of Detectives.

The request for calling out a detective must be made through the on-call Detective Supervisor.

700 - Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command any loss, damage to or unserviceable condition of any Department-issued property or equipment, including vehicles, assigned for their use.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

(f) Officers shall lock and secure police vehicles when the vehicle is left unattended.

(g) All issued equipment is maintained on the Department's inventory control list and issued to that employee. All assigned equipment must be accounted for and turned in upon separation of employment with the Department. The employee's final pay check will not be issued until all issued equipment has been returned and removed from the individual's inventory control list.

Department property assigned to specific units, to include vehicles and trailers, will be maintained in a state of operational readiness and will be the responsibility of the supervisor assigned over that specific unit.

All stored, unassigned Department Property will be maintained in a state of operational readiness by the Training Section Lieutenant.

700.2.1 ALTERATIONS TO DEPARTMENTAL PROPERTY

An employee who is assigned department equipment of any kind will not:

(a) Alter the body, general design, appearance, or markings on the equipment.

(b) Affix any unauthorized stickers, decals, or placards to any portion of the equipment.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Employee furnished personal property that is normally carried or worn by employees to satisfactorily perform their duties, which is damaged, destroyed, lost or stolen in the performance of his/her duties, may result in reimbursement, providing the employee has taken reasonable care to protect the property against damage, destruction, loss, or theft.

Claims for reimbursement for damage or loss of personal property must be made on the Intradepartmental Correspondence form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage and an incident report, including case number, which details the facts surrounding the damage or loss.

The supervisor shall direct a memo to the appropriate Section Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by Staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the employee's Deputy Chief who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report on an Intradepartmental Correspondence form shall be submitted before the employee goes off-duty or within five days after the employee becomes aware of the loss or damage of the property.

The written report shall include all documents, receipts, or estimates for repair of the concerned item/s, including any related police reports.

The submitting officer shall also submit the damaged article with the claim. If the article cannot be submitted, the reasons shall be stated on the written report.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law

enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Section Commander.

700.4.2 DENIAL OF REIMBURSEMENT

(a) Reimbursement may be denied if:

1. The damage was caused by the fault or negligence of the employee.
2. The loss was caused by the negligence or fault of the employee.
3. The item is jewelry. (Except watches)
4. The employee does not file a claim within the required time period.
5. The employee may be entitled to reimbursement from other sources. (Insurance or court ordered restitution). If department restitution has been approved and paid, any later insurance or court ordered restitution will revert to the department up to the amount paid by the department.
6. The employee's claim is denied.

700.4.3 PROPERTY INVENTORY

All Personal Property Inventory Sheets should be updated at least annually or as needed.

702 - Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile phones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as personal communication devices (PCDs), but is intended to include all mobile phones, personal digital assistants (PDAs) and similar wireless two-way communication and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The West Valley City Police Department allow employees to utilize department issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702. 3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or –funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned

devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

702.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

702.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty subject to the following conditions and limitations:

(a) Carrying a personally owned PCD is a privilege, not a right.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.

(d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

(e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-relate communication.

(f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as the result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers of the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

702.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) PCDs should be carried in a manner that does not detract from the uniform or interfere with duty belt equipment.

(b) All PCDs in the workplace shall be set to silent or vibrate mode while interacting with the public so as to limit distractions which could affect officer safety.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Officers are prohibited from taking pictures, video or making audio recording or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief or the authorized designee, may result in discipline.

(f) Employees will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

(h) Employees may not manipulate any PCD while driving a department vehicle except during an emergency or when they are engaged in the performance of their duties as a law enforcement officer. The use of a hands-free device when a PCD must be used while driving is encouraged.

702.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable until the employee is on-duty as such contact may be compensable.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to complete their communication on the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are example of when the use of a PCD may be appropriate:

(a) Barricaded suspects.

(b) Hostage situations.

(c) Mobile Command Post.

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political/community events.

(f) Investigative stakeouts.

(g) Emergency contact with allied agency or allied agency field unit.

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available.

704 - Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperable or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the minimum equipment, as listed below, is present in the vehicle:

- 1 First aid kit, CPR mask
- 1 Traffic Safety Vest
- 1 Evidence collection/Fingerprint kit
- 1 Camera

Any exceptions will be approved by the Chief of Police.

704.3.2 UNMARKED VEHICLES

An employee driving unmarked Department vehicles shall ensure that the minimum equipment, as listed below, is present in the vehicle:

- 1 First aid kit, CPR mask
- 1 Traffic Safety Vest
- 1 Evidence collection kit
- 1 Camera

Any exceptions will be approved by the Chief of Police.

704.3.3 EQUIPMENT REPLACEMENT

If an officer uses, damages or loses an item of departmentally issued equipment, or discovers the equipment missing upon inspection, the officer will complete an Intra-Departmental Correspondence (IDC) to his/her immediate supervisor explaining the use, damage or loss of

equipment and notifying the supervisor that the item needs to be replaced.

The supervisor will forward the IDC to a Training Section supervisor.

The Training Section supervisor will then make arrangements to supply the officer with a replacement.

704.4 WASHING OF VEHICLES

All units shall be kept clean at all times, and weather conditions permitting, shall be washed as necessary to enhance their appearance.

704.5 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service" placards or light bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

704.6 REQUIRED VEHICLE SERVICE AND MAINTENANCE

(a) Assigned vehicle maintenance procedures:

1. An employee assigned a vehicle shall be responsible for the proper care of the vehicle and for ensuring the routine/ required maintenance and services are performed in accordance with the manufacturers and city shop specifications. Oil changes shall be conducted at manufacturer's recommendations. All repair, maintenance, and service work shall be conducted by authorized city shop personnel. Any repair, maintenance, or service work not performed by city shop personnel shall be conducted at the direction of the city shop manager.
2. An employee who is assigned a vehicle will refrain from:
   (a) Altering the body, general design, appearance, or markings of the vehicle.
   (b) Using fuel, oil, lubricants, or other additives in the vehicle other than those recommended by city shop personnel.
   (c) Affixing any unauthorized stickers, decals, or placards to any portion of the vehicle.
3. Employees will be responsible for the condition of the equipment in, and the vehicle they are driving. To include the cleanliness of the interior and exterior.
4. Tire pressure on all vehicles will be maintained at the manufacturers recommended pressure and will be checked by the assigned employee at least once a week.
5. All fluid levels will be checked at least once a month by the assigned employee.
6. Officers will be provided replacement vehicles subject to availability.
7. Failure to follow the above procedures may result in discipline and/or loss of assigned vehicle driving privileges.

706 - Vehicle Use

706.1 PURPOSE AND SCOPE

The Department utilizes City-owned motor vehicles in a variety of applications operated by Department personnel. In order to maintain a system of accountability and ensure City-owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term City-owned as used in this section also refers to any vehicle leased or rented by the City.

706.2 USE OF VEHICLES

706.2.1 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

706.2.2 AUTHORIZED PASSENGERS

Personnel operating Department-owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

706.2.3 PARKING

City-owned vehicles should be parked in either dedicated stalls or otherwise legally parked. Officers will not park police vehicles in restricted stalls (i.e. red curbs, handicapped stalls etc.) unless responding to an emergency situation.

When parking at meters or in other restricted parking areas, officers shall display a placard indicating they are on official business. If, while on official business, the officer receives a parking citation, the officer will take the citation to the Chief's Office Manager within two business days of receiving the citation. The Office Manager will then arrange to have the citation dismissed.

706.2.4 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

706.3 ASSIGNED VEHICLE PROGRAM

(a) The purpose of this order is to establish guidelines for participation in the Department's Assigned Vehicle Program. This order applies to all employees who are assigned a take-home vehicle, regardless if the vehicle is marked or unmarked.

1. It is the policy of the West Valley City Police Department to implement and maintain an Assigned Vehicle Program, whereby officers have the opportunity to be assigned a police vehicle to drive to and from work. The objectives of this program are as follows:

(a) To provide enhanced police service to the community.

(b) Decrease maintenance resulting in long term cost savings.

(c) Provide a privilege to those officers assigned a police vehicle.

706.3.1 VEHICLES SUBJECT TO INSPECTION

All City-owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.2 DEFINITIONS

Assigned take-home vehicle - A motor vehicle owned or leased by the Police Department which an officer may drive to and from work, and to any other function authorized by this policy.

Assigned vehicle - A motor vehicle owned or leased by the Police Department which is assigned specifically to one individual for use in routine duty, specialty unit assignments, or personal use as approved by the Chief of Police. The term "Assigned Vehicle" also includes assigned take-home vehicles, staff vehicles, marked, and unmarked vehicles.

Authorized Passengers - Sworn police personnel, persons in custody, citizens requiring official services, and persons specifically authorized by command authority.

Command Authority - Members of the police department holding the rank of Lieutenant or above.

Marked Police Vehicle - A police vehicle which has been marked with police insignia and has been designated for routine patrol enforcement.

Staff Vehicle - A motor vehicle owned or leased by the Police Department which is assigned to members of the department's executive staff (Chief, Deputy Chiefs, Lieutenants).

Police Vehicle - A motor vehicle owned or leased by the West Valley City Police Department.

Unmarked Police Vehicle - A motor vehicle owned or leased by the West Valley City Police Department which does not bear official police insignia.

Vehicle - A motor vehicle owned or leased by West Valley City or any of its departments.

706.3.3 PROCEDURE

(a) Administration

1. The Assigned Vehicle Program may be terminated in whole or in part and any vehicle may be withdrawn from the program at any time at the discretion of the Chief of Police.
2. Employees using an Assigned Take-home Vehicle will complete a West Valley City, Request for Commute Authorization form. Approval of the request is contingent

upon Department need, vehicle availability, and authorization by the Chief of Police and City Manager.

3. The use of an Assigned Vehicle is a privilege and not a fringe benefit or employment right. This privilege is subject to revocation at the discretion of the Chief of Police. The police fleet manager will be responsible for assignment of police vehicles.
4. Section commanders will ensure that employee activities involving this program are monitored and that any indiscretions are investigated.
5. All policies and procedures of West Valley City and the West Valley City Police Department shall remain in effect while Assigned Vehicles are operated, either on or off duty. Any Conflict between this policy and the provisions of other West Valley City policies shall be governed by the other West Valley City Policies.
6. Supervisors will inspect the Assigned Vehicles at least once each month and check for cleanliness, working order of equipment, and that scheduled maintenance was performed at proper intervals.
7. Any supervisory officer may stop any Assigned Police Vehicle operated by an employee who is off duty upon reasonable belief that the employee is operating the vehicle contrary to City or Department regulations. If corrective action cannot be taken immediately, the operator will be removed from the vehicle and the vehicle driven to the City Shop by another officer. Any corrective action taken will be documented and forwarded to the appropriate Section Commander.

(b) Eligibility

1. Officers must have successfully completed the Field Training Program to be considered for an assigned Take-Home Vehicle. However, an officer may be assigned a vehicle for use during his/her tour of duty while in the Field Training Program. Exceptions may be granted by the Chief of Police.
2. An employee may be determined ineligible for participation in the Assigned Take-Home Vehicle Program if his/her traffic accident records reflect a history of preventable accidents attributable to negligence and /or disregard for established policies and procedures.
3. Eligibility for the Assigned Take-Home Program, in and of itself, does not guarantee assignment of a vehicle nor are eligible employees required to participate in the program.

(c) Vehicle Assignment

1. Assigned Take-Home Vehicles shall be assigned/ reassigned at the discretion of the Chief of Police or his/her designee. The West Valley City Request for Commute Authorization form will be completed annually, or when an officer changes his/her primary residence. Required payroll deductions for the use of the vehicle will be calculated on this form. Reimbursement to the City will apply as follows:
   (a) No reimbursement is required of employees who reside within the boundaries of West Valley City.
   (b) Reimbursement is required of employees living outside of West Valley City

boundaries. Reimbursement will be determined by City policy.

(d) Restrictions of Assigned Vehicles:

1. Assigned Take-Home Vehicles will only be operated by authorized personnel, with the exception of City vehicle maintenance personnel performing required services.
2. During off duty hours, assigned Take-Home vehicle use will be limited to:
   - (a) Personal use to, from and within the corporate limits of West Valley City.
   - (b) Travel directly to and from work.
   - (c) Attending court.
   - (d) Official City functions.
   - (e) Other functions specifically authorized by the Chief of Police.
   - (f) Other than the aforementioned uses, personal use of the vehicle outside of the West Valley City boundaries is prohibited without written approval from the Chief of Police and the City Manager or his/her designee.
3. Officers utilizing an Assigned Take-Home Vehicle are not entitled to claim compensation for travel to and from work.
4. Officers on light duty status will not operate Police Vehicles without the approval of the officers Section Commander.
5. Unattended Police Vehicles shall be locked at all times and parked where readily accessible in the event that an emergency should arise. Vehicles taken home will be parked off the street at the employee's residence.
6. No officer shall leave any weapons, computers or other costly items in the Assigned Vehicle while it is left for service, repair, or when parked outside at a residence. Officers are responsible for recognizing the possibility of a police vehicle becoming the target of vandalism or theft and shall make every effort to safeguard the vehicle and equipment. Damage or loss of property shall be reported immediately to the officer's immediate supervisor through the chain of command.
7. Seat Belts shall be worn by all occupants of the police vehicle at all times while the vehicle is being operated.
8. During extended absences, officers may store their Assigned Vehicle at their residence in a secured garage unless directed otherwise by the Section Commander.
9. An Officer on disciplinary suspension shall automatically lose the Assigned Vehicle Take-Home privileges for the duration of the suspension. The officer will turn in the vehicle to the Section Commander.
10. Officers using the Assigned Take-Home Vehicle for transportation to court are not entitled to retain any witness travel expense reimbursement. Any such payments received must be immediately turned in to the budget manager.
11. Officers may only use their Assigned Vehicles for secondary employment with prior written approval of the Chief of Police and the City Manager. Justification for the use of the Assigned Vehicle shall be included on the Request for Part Time Employment form. A copy of the written approval shall be maintained in the officer's

official personnel file in the West Valley City Human Resource Office. It shall be the responsibility of the officer to assure that the required approval form is completed in full and that the form is placed in the officer's personnel file.

12. Immediate family members may be allowed to ride in the Assigned Police Vehicle when the officer is off duty under the following conditions:
    (a) Immediate family members shall only include the officer's spouse, child or children, or other dependents.
    (b) Officers should not respond to emergency calls when family members are in the vehicle.
    (c) Officers allowing family members to ride in their Assigned Vehicles accept financial responsibility for any injuries sustained above and beyond those covered by the off-duty insurance coverage carried by the City.
    (d) All state laws, including those regarding the use of car seats for infants and children and seat belts for passengers, will be strictly followed.

13. Vehicle Operation Procedure
    (a) Employees assigned any Department or City vehicle shall exercise good judgment and shall not drive or use the vehicle so as to cause unfavorable comment or bring discredit to the Department or City.
    (b) While off duty, officers operating an Assigned Vehicle will be dressed appropriately for the activity they are pursuing and have in their possession their badge, identification, and Department authorized service weapon.
    (c) While using the Assigned Vehicle off duty, the police radio will be kept on at all times and the officers shall monitor radio traffic. The monitoring of radio traffic shall not be construed as an "on duty" activity and only if the officer responds to a call or takes peace officer action resulting from the radio monitoring shall the officer be considered "on duty" or as acting in the course of the officer's employment.
    (d) Off duty officers utilizing an Assigned Vehicle shall intervene in emergency or criminal situations where public safety is endangered and no "on duty" units are available or in proximity. The officer shall preserve evidence and maintain continuity until relieved by an on duty officer.
    (e) Off duty officers shall stop at roadway incidents which require police attention, such as accidents or stranded motorists. Officers should be cognizant of the resulting negative public image to the department if officers fail to stop and assist citizens in need.
    (f) Officers in civilian attire operating an unmarked vehicle shall consider the following when making a traffic stop:
        1. The nature of the offense.
        2. The safety of the public.
        3. The safety of the officer.
        4. The public perception.
    (g) An off-duty officer who is required to perform a peace officer function shall be

compensated consistent with FLSA standards and Department policy.

(h) The occurrence of an injury to an employee while driving or otherwise using a vehicle off duty does not automatically qualify the employee for workers compensation benefits.

(i) Use of a vehicle in any manner contrary to the provisions of City or Department policy may result in personal liability to the officer and his/her private insurance coverage in the event of a claim or other occurrence arising from the use of the vehicle.

706.4 SECURITY

Employees may take home City-owned vehicles in accordance with section 706.3

(a) Off-street parking shall be available at the employee's residence.

(b) Vehicles shall be locked when not attended.

(c) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended (refer to § 312 regarding safe storage of firearms at home).

(d) The in-car computer should be removed and stored inside the officer's residence to avoid theft or damage.

When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at the police facility.

706.4.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal vehicle key. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

706.5 ENFORCEMENT ACTIONS

Officers driving Police Department owned or leased vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

706.6 MAINTENANCE

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.

1. Employees may use the wash racks at the maintenance/shops.
2. Cleaning/maintenance supplies may be provided by the shops.

(b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

(c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in

accordance with this policy.

(d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the City maintenance shop.

1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle repair card explaining the service or repair.
2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer after receiving clearance from a City Shops maintenance supervisor.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Chief of Police or his/her designee.

706.7 ACCIDENT DAMAGE, ABUSE AND MISUSE

When a City-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction.

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, an outside law enforcement agency should be summoned to handle the investigation.

The supervisor of the employee involved in the collision shall complete the department's Fleet Safety Report. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift sergeant.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

706.8 OPERATION OF POLICE VEHICLES

(a) Officers shall operate official vehicles in a careful and prudent manner and shall set a proper example in their driving.

(b) Loss or restriction of an officer's driver's license or privilege shall be reported immediately to his/her supervisor. That supervisor shall report this information through the chain of command to the Chief of Police.

708 – SPECIAL PURPOSE VEHICLES

708.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the special purpose vehicles owned and/or maintained by the West Valley City Police Department, the authorization of their use, and other factors pertaining to the personnel who use or maintain such vehicles.

708.2 MOBILE COMMAND POSTS

The Department has two Mobile Command Posts which are designed to respond to long-term response, or critical incidents. The Mobile Command Posts bring a number of resources to the scene including, radios, telephones, a climate controlled environment and rest facilities. Operational readiness will be maintained by the Training Section Lieutenant. Control and deployment will be the responsibility of the on-duty Watch Commander from the Patrol Bureau, the Lieutenant assigned to the Special Operations Bureau or any one of the Deputy Chiefs. Those assigned to operate the Mobile Command Posts shall have a working knowledge of the functions that are available and shall sign the check-out log, associated with each vehicle, anytime it is used.

708.3 MOTORCYCLES

Except during authorized training activities, personnel shall only be authorized to operate department motorcycles when they have completed a state accepted police certification course. In addition, all motorcycle operators must possess a valid motorcycle endorsement with their driver's license. No Department employee will operate a Department owned motorcycle without proper safety equipment to include at a minimum a D.O.T. approved helmet.

Motorcycles shall only be used when roadway and weather conditions allow for safe operation.

Street motorcycles are deployed for the primary purpose of traffic enforcement. The Traffic Sergeant is responsible for the control and deployment of the street motorcycles.

708.4 BICYCLES

The Department has several marked police bicycles that are used during special events and for proactive enforcement in areas that are hard to reach in a vehicle. Except during authorized training activities, personnel shall only be authorized to operate department bicycles when they have completed a basic police bicycle course. In addition, all officers utilizing bicycles shall wear a D.O.T. approved helmet and appropriate safety equipment. The Sergeant assigned to the Community Response Unit is responsible for the control and deployment of the Department bicycles.

708.5 SWAT VEHICLES

The SWAT team is assigned two specialty vehicles, the SWAT Van and the Armored Rescue Vehicle.

The SWAT Van is a truck containing equipment and resources for SWAT personnel serving on the SWAT team. The SWAT Van is used to transport SWAT Team members and equipment

to training sites and the site of any incident requiring a SWAT response. Swat team members assigned to operate the SWAT Van will have a working knowledge of the capabilities and limitations of the SWAT Van prior to driving it. The SWAT Van is equipped with specialized breaching tools, less than lethal munitions, noise sound flash devices, ballistic shields, 40 mm and 38 mm munition launchers and ladders. The SWAT Commander will assign those SWAT team members that are authorized to operate the van when responding to an incident or training site.

The Armored Rescue Vehicle is a vehicle specially designed to rescue injured citizens and officers in situations where the rescuing officers and injured parties are still under threat of fire. The vehicle can also be used to protect officers, citizens and suspects during the execution of high-risk search warrants, and during other high-risk situations such as barricaded subjects. SWAT team members assigned to operate the Armored Rescue Vehicle will have a working knowledge of its capabilities and limitations prior to driving it. The Armored Rescue Vehicle is equipped with first aid/medical equipment, specialized breaching tools including breaching explosives, ballistic shields, less lethal munitions, noise sound flash devices, chemical munitions, computer monitor, throw phone communications, room clearing camera equipment and police radios. The SWAT Commander will assign those SWAT team members that are authorized to operate the Armored Rescue Vehicle when responding to an incident or training site.

The SWAT Commander will ensure that the SWAT Van and the Armored Rescue Vehicle are operationally ready and is responsible for the control and deployment of these vehicles. He/she will ensure that prior to any employee operating either of these vehicles, that employee has received documented training in the safe operation of the vehicle, to include a working knowledge of that vehicle's capabilities and limitations.

708.6 TRANSPORT VANS

The Department has two transport vans: a 15-passenger van and a cargo/personnel deployment van. These vans are used to transport department personnel to training events or tactical deployments. The Training Section Lieutenant is responsible for the control and deployment of the 15-passenger van. Department supervisors have access to the cargo/personnel deployment van and can control the deployment of the van which shall be checked out when used. The Lieutenant of the Vice Narcotics Unit is responsible for the operational readiness of the cargo/personnel deployment van.

708.7 ALL TERRAIN VEHICLES

The Department has four, 4 wheel, All Terrain Vehicles (ATV's): Two, Honda four wheelers, a Kawasaki Mule and a Yamaha Rhino. These ATV's are used during special events and special investigations. Department personnel should complete a basic training familiarization before operating an ATV. No Department employee will operate one of the Honda ATV's without proper safety equipment to include at a minimum a D.O.T. approved helmet. In the event that another officer or a civilian need to be transported, they will also be required to wear a D.O.T. approved helmet. Any officer or civilian operating or riding as a passenger in the Kawasaki Mule or Yamaha Rhino shall, at a minimum, use the provided safety restraints. Officers will demonstrate to their supervisor's satisfaction their ability to safely operate an ATV. The Training Section Lieutenant is responsible to ensure that the ATV's are operationally ready and is also

responsible for the control and deployment of the ATV's.

708.8 DUALLY TRUCK

This truck is used to haul the Department's bigger trailers. The truck is generally attached to the Major Crimes Trailer but can also be used to tow other Department trailers. In the event that the dually truck is used to tow a trailer, the officer will demonstrate, to their supervisor's satisfaction, that they have the ability to tow a trailer safely. The dually truck is controlled and managed by the Special Operations Bureau Lieutenant.

708.9 TRAILERS

The Department operates a number of trailers. The following is a list of trailers and uses:

708.9.1 Major Crimes Trailer

The Major Crimes Trailer is designed to respond to long-term, or critical incidents. The Major Crimes Trailer brings a number of resources to the scene including, radios, telephones, a climate controlled environment and rest facilities. Those officers assigned to tow the Major Crimes Trailer will demonstrate to their supervisor's satisfaction their ability to safely tow a trailer. The Major Crimes Trailer is controlled and managed by the Special Operations Bureau Lieutenant.

708.9.2 Firearms Trailer

The Firearms Trailer is used to transport items used for Department approved shoots, which include: department qualifiers, tactical shoots and new hire training. Those officers assigned to tow the Firearms Trailer will demonstrate to their supervisor's satisfaction their ability to safely tow a trailer. The Firearms Trailer is equipped with tables, chairs, targets, an awning and a portable sound system with a loud speaker. The Firearms Trailer will be managed by the Training Section Lieutenant.

708.9.3 Radar Trailer

The Radar Trailer is used in the traffic safety function and is generally placed in neighborhoods where complaints of excessive speed have been made. Those officers assigned to tow the Radar Trailer will demonstrate to their supervisor's satisfaction their ability to safely tow a trailer. The Traffic Sergeant is responsible to ensure training is provided to personnel deploying radar trailers. The Traffic Sergeant coordinates the deployment of the radar trailer.

708.9.4 Traffic Trailers

The Traffic Trailers are used to transport Department motorcycles over long distances and during inclement weather. Those officers assigned to tow the Radar Trailer will demonstrate to their supervisor's satisfaction their ability to safely tow a trailer. The Traffic Sergeant is responsible for the control and deployment of the Traffic Trailers.

708.10 THREE WHEEL SCOOTERS

The Department has two Lyric scooters that are primarily used in the Valley Fair Mall and can be used for other large events. Those officers assigned to use a scooter will demonstrate to their supervisor's satisfaction their ability to safely operate one. The scooters are equipped with basic police lights and a siren. The Community Response Unit Sergeant is responsible for the control and deployment of the scooters.

708.11 BOMB TRUCK

The Department maintains a specially designed truck that maintains Bomb Team equipment. Only Bomb Team members are authorized to use the Bomb Truck for the containment and transport of suspected explosive devices unless authorized by the Bomb Team Commander. The Bomb Truck is equipped with a robot, bomb suits, protective gear, X-ray equipment, as well as specialized tools for bomb disposal. The assigned Bomb Team Commander is responsible for the control and deployment of the Bomb Truck.

708.12 CAMERA TRUCK

The Department maintains a specially designed truck that contains video surveillance equipment. This vehicle is generally used for large events in order to monitor criminal activity in large crowds. The Camera Truck is only to be used by personnel that have been trained and understand how to use the equipment contained in the truck. The Vice Narcotics Lieutenant is responsible for the control and deployment of the camera truck.

708.13 UNDERCOVER SURVEILLANCE VAN

The Department maintains a specially designed van that is used primarily in undercover situations. Only officers assigned to the Special Operations Section will operate the Surveillance Van. The Surveillance Van is equipped with specialized video surveillance equipment. The Vice Narcotics Lieutenant is responsible for the control and deployment of the Surveillance Van.

708.14 UNDERCOVER VEHICLES

The Special Operations Bureau maintains unmarked vehicles to assist in vice, narcotics and organized crime investigations. Some of these cars are equipped with video surveillance equipment that can be utilized by those officers assigned to the Special Operations Section. The Deputy Chief in charge of the Special Operations Bureau will designate officers authorized to operate the undercover vehicles. Except in an emergency, uniformed officers will not operate these vehicles. The Vice Narcotics Lieutenant is responsible for the maintenance and operational readiness of the Undercover Vehicles.

710 – Unmanned Aircraft Systems (UAS)

710.1 PURPOSE AND SCOPE

The increasing availability of low-cost small unmanned aircraft systems ("UAS") technology allied with image processing applications, real-time video and various sensor payloads, offer an opportunity to collect forensic-quality scene information, speed up incident clearance, assist in search and rescue, improve fire observation, and reduce the exposure of law enforcement officers, first responders and the public to hazardous conditions.

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

710.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations, and UCA 72-14 and all West Valley City Police Department (WVCPD) policies.

710.2.1 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

710.2.2 PROCEDURES

The Chief of Police will appoint a program manager who will be responsible for the management of the UAS program. The program manager will ensure that policies and procedures conform to current laws and regulations and will have the following additional responsibilities:

(a) Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.

(b) Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization from the incident commander or watch supervisor.

(c) Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.

(d) Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.

(e) Developing a protocol for fully documenting all missions.

(f) Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.

(g) Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

(h) Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

(i) Facilitating law enforcement access to images and data captured by the UAS.

(j) Recommending program enhancements, particularly regarding safety and information security.

(k) Ensuring that established protocols are followed by monitoring and providing an annual report on the program to the Chief of Police.

Procedures and protocols established by the program manager will be approved by the Special Operations Bureau Chief and filed in PowerDMS. UAS operators will sign the most recent version of the procedures and protocols prior to operating a UAS.

710.2.3 USE OF UAS

Only authorized pilots who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment) is permissible in viewing areas only where there is no protectable privacy interest, or when in compliance with a search warrant or court order, or in an emergency. In all other instances, legal counsel should be consulted.

710.2.4 PROHIBITED USE

The UAS video equipment shall not be used:

(a) To conduct random surveillance activities.

(b) To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

(c) To harass, intimidate or discriminate against any individual or group.

(d) To conduct personal business of any type.

710.2.5 RETENTION OF DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

800- Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Department of Public Safety, Bureau of Criminal Identification

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 EVALUATION OF DATA AND FINDINGS FOR ACCURACY

The following minimum criteria should be used in evaluating data and findings:

(a) Comparisons of data from multiple sources when possible.

(b) Comparisons of data from similar time-frames when possible.

800.5 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the

operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units. The Chief of Police will be briefed on crime patterns and trends at a minimum of once a month or as needed.

802 – Expungements

802.1 PURPOSE AND SCOPE

This policy provides systematic and proper guidelines for the Records Section and the Evidence Section related to the execution of Court Ordered Expungements. This policy is subject to changing Utah State Laws and Utah State Retention Schedules.

802.2 RECORDS PROCEDURE

The petitioner of a request for a record expungement is responsible for delivering a copy of the approved court order to all affected agencies. Expungement orders received by the West Valley City Police Department shall be reviewed for appropriate action by a Records Section supervisor. An order of expungement shall not restrict the use or dissemination of records until the West Valley City Police Department has received a copy of the signed order.

Juvenile expungements will be completed the same as adult expungements, unless otherwise specified by the Expungement Order.

All Expungement Orders will be completed within ten (10) days of receipt. Upon receipt of the Expungement Order, the employee responsible for this assignment will make a copy of the Order and place it into the Evidence box. The employee will also send an email making notification of the Expungement Order to the Evidence supervisor. If there is evidence associated with the case, the Evidence Department will begin their own expungement process (See §802.3).

The Records Section Expungement Checklist will be started and followed to ensure all steps are completed throughout the expungement procedure.

The Records Section Expungement Log will be kept to record all expungements. The log will include the name, as listed in the Expungement Order, the case number(s), indication of “Adult” or “Juvenile” and the date completed. Records will utilize the State of Utah’s Retention Schedule. The State of Utah mirrors the Statute of Limitations for felonies and misdemeanors.

The assigned Records employee will remove the specified records from all computer applications (Spillman, Sire and the Chief’s System) including; all written, electronic, recorded or photographed documentation.

The expunged records from all computer applications, including Spillman, will be copied and placed into a 10 x 13 envelope. Once the pertinent records to be removed are copied, the records will be deleted. The Expungement Order will be affixed to the exterior of the envelope. If the Statute of Limitations has run out for a case being expunged, all documents will be destroyed and the appropriate entry will be made in the Expungement Log.

802.3 EVIDENCE PROCEDURE

All Evidence expungements are to be completed within five (5) working days after receipt of the Expungement Order from the Records Section. The Expungement Order will be added to the

Evidence Expungement Log. The Expungement Log will be kept to record all expungements and will include the date the request was received, the case number, name, date of birth, adult or juvenile, and the particular system the evidence to be expunged came from.

The assigned Evidence Technician will review all computer systems for any possible related evidentiary items. Any evidentiary items located will be printed and or transferred to a DVD/CD and the original in the system will be deleted. Any physical evidence will be photographed and placed on a DVD/CD. The evidence tag associated with that particular piece of evidence will be marked with **EXP/DESTROY**. The evidentiary item will then be eligible for destruction.

Upon completion of this process, copies of the evidentiary items, including DVDs/CDs and the Evidence Checklist will be sent to the Records Section employee in charge of expungements to complete the closure of the case.

802.4 FINALIZATION

When the Records Section has received the Expungement File from Evidence, the 10 x 13 envelope utilized by Records, will be sealed and the seal will be signed and dated by the Records employee handling the case. The case will then be filed, in the Expungement Wall File, alphabetically. **The sealed file can only be re-opened with the receipt of a signed and valid Court Order!**

804 - Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

It will be the primary responsibility of the initial, assigned, or other authorized law enforcement personnel to collect, inventory, and preserve evidence; it is the responsibility of all officers to protect and preserve crime scenes and evidence.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value, and where the owner cannot be readily identified or contacted.

Chain of Evidence - The continuity and custody of physical evidence, from the time of original collection to the final disposal, which may be introduced in judicial proceedings.

Impounding Officer - The officer who initially received the evidence and initiates the chain of custody.

Evidence Technician - A department employee accountable for control and maintenance of all items accepted or stored in the evidence room.

Evidence Room - All facilities and storage areas utilized by this law enforcement agency to store evidence.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room. Care shall be taken to maintain and limit the number of officers involved in the chain of custody for all evidence.

Any individual who turns over found property to an officer must complete a Found Property Statement. The officer will submit the completed statement to the Records Section to be attached to the case. Where ownership can be established as to found property with no apparent evidence value, such property may be released to the owner without the need for booking. This

type of release must be concluded during the same shift period that the officer receives or finds the property; otherwise the officer must book the item/s into evidence. The officer will document the date, time and location of the release, and who the property was released to in his/her incident report.

Excluding exceptional circumstances, officers will complete the evidence booking process and should not maintain possession of the property beyond the end of his/her shift. Exceptional circumstances that could delay the completion of the evidence booking process include cases involving very large quantities of property or complex scenes, and cases involving collecting evidence from other jurisdictions where overnight travel is involved.

When a case involves a large quantity of evidence or a complex scene, the officer should obtain a supervisor's permission to store the evidence collected in a secure locker in the property intake area of the Evidence Unit. An email should be sent to the Evidence Unit Supervisor letting him/her know which locker the property is in and that the officer has not completed packaging and booking the evidence. The officer may then return to the Evidence Unit during business hours and an evidence technician will assist the officer in retrieving the property to complete the evidence booking process. Property will not be stored in the officer's workspace, vehicle, home or other places that are not secure and would interrupt the chain of custody.

If an officer must travel overnight in order to collect evidence from another jurisdiction relating to a case in this jurisdiction, the evidence should be removed from the vehicle the officer is traveling in and secured with him/her in his/her overnight accommodation so that the chain of custody remains unbroken.

Personal property of an arrestee not taken as evidence should be booked into the Evidence Room under the status of safekeeping. The officer should complete a Notice to Claim property form for these items. A copy of this form will be given or mailed to the arrestee and serves as notification that the property will only be kept for 90 days. A second copy of the form will be placed in the evidence locker with the property.

All property submitted to evidence must be thoroughly inventoried. This includes all closeable containers such as safes, suitcases, backpacks and purses. If the contents of an item are unknown, it will not be accepted into evidence.

Items that contain personal information, such as driver's licenses, credit cards, and cell phones must be removed from bags or suitcases and packaged separately.

If the arrestee is in possession of items that would be considered trash (Kleenex, old bus transfers, etc.) or food or drink items that are not accepted by the Evidence Unit, these items will be properly disposed of and this will be documented in the officer's report.

804.3.1 RECEIPTS FOR PROPERTY

When an officer receives or seizes property for any reason, the owner or person the officer receives or seizes the property from will be given a receipt. If no person is present, the officer shall leave a receipt in the place where the property was found. The officer will document in his/her report to whom the receipt was given or where the receipt was left, and will include a copy of the receipt with their report documentation, with the exception of the Notice to Claim Property Form. The officer will give one copy of the Notice to Claim Property form to the person

from whom the property was received or seized. The other copy of the Notice to Claim Property form will be placed in the evidence locker with the property when the officer books the property into evidence.

Officers will use the following forms as receipts depending on the reason the property is received or seized:

(a) For Found Property: Found Property Statement Form.

(b) For Property Held for Safekeeping: Notice to Claim Property Form

(c) For Property Seized for Asset Forfeiture Purposes: Asset Seizure Notification Form.

(d) For Property Seized as Evidence: Evidence Inventory Form.

804.3.2 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless there are exceptional circumstances and the delay is approved by a supervisor, as discussed in section 804.3 – Property Handling, above. Employees booking property should observe the following guidelines:

(a) Complete the property form, or dictate the property information in the records management system describing each item of property separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings. When dictating, ensure that the property tag number affixed to each item or package is also dictated.

(b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property. Sign and date all seals, ensuring that the signature is partly on the seal and partly on the packaging to ensure against tampering.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) When the property is too large to be placed in a locker, the item will be secured in one of the chain link evidence cages located in the Sally Port in City Hall. The cage will have an open padlock. After placing the item(s) in the cage, close the cage door and secure the cage with the padlock. If these cages are all in use, an evidence technician will be called out to take in the evidence directly.

(e) Evidence personnel have the right to refuse any item improperly submitted by the impounding officer. The item will be secured in the property room and notification will be made to the officer and the officer's supervisor requesting the property be properly booked prior to the end of the officer's next regular shift. Documentation will be kept on file in the Evidence Management System.

(f) Complete a written report detailing the circumstances by which the property came into the employee's custody and describing each item of property booked into evidence.

804.3.3 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately. Paraphernalia as defined by Utah Code 58-37a-3 shall also be booked separately from the drugs.

804.3.4 EXPLOSIVES AND FLAMMABLE LIQUIDS

Officers who encounter explosive materials or an explosive device shall immediately notify their immediate supervisor and/or Field Commander. The bomb squad will be called to handle situations involving explosive devices, and all such devices will be released to them for disposal (See Policy § 416, Response to Bomb Calls).

Explosive materials and flammable liquids such as gasoline, acids or items producing explosive vapors, with the exception of small cigarette lighters and E-cigarettes, are **never** to be booked into the Evidence Room. This includes fireworks or suspected fireworks of any kind and black powder, even when sealed in the original container. If necessary, a forensic technician may be called out to process containers containing flammable liquids prior to disposal. These items shall be photographed and then turned over to the bomb technician for disposal.

E-cigarettes and small cigarette lighters need to be packaged in a plastic evidence bag in case of leakage. Batteries should be detached and booked in separate packaging.

Small arms ammunition is not considered to be an explosive. Ammunition may be booked into evidence, but may not be booked in the same packaging as any clip/magazine and/or firearm itself. The only exception to packaging ammunition separately from any clip/magazine is if the ammunition needs to be processed for fingerprint evidence. If so, the ammunition should be left in the magazine to prevent evidence contamination. Once the forensics examiner fingerprints the ammunition, the ammunition and clip/magazine will be booked back into evidence in separate packaging.

804.3.5 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried and placed in a paper bag prior to booking. Secure air-drying rooms have been designated and will be used for drying items. All evidence bags or containers that have items contaminated with bodily fluids and/or blood shall have a bio hazard sticker attached. Evidence Unit staff should be notified and can assist in this process.

(b) Wet or damp evidence will be air dried and placed in a paper bag. Secure air-drying rooms have been designated and will be used for drying items. Under no circumstances will evidence containing any moisture or subject to biological decomposition, such as plants or animal tissue, be stored in air tight containers or plastic bags.

(c) All bicycles and bicycle frames require a property report. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence technician or placed in the bicycle storage area until an evidence technician can log it in.

(d) All cash shall be counted in the presence of the initial officer, a witness officer and a supervisor and the envelope and currency label initialed by both officers and the supervisor. The Field Commander shall be contacted for cash in excess of $1,000 for special handling procedures. Evidence personnel will store all cash, jewelry and other valuables in a locked safe within the secured evidence room.

(e) Evidence personnel will store all firearms in a separate locked area within the secured evidence room.

(f) Evidence personnel will store all drugs in a separate locked room within the secured evidence room.

(g) Evidence which may bear latent fingerprints, or partial prints, will be handled carefully and packaged individually to prevent destruction or contamination.

(h) Alcoholic beverages will be documented and collected using the following guidelines:

1. The employee collecting the alcoholic beverage should place a mark on the container to note the level of the liquid in the container upon seizure and the item should be photographed. The liquid will then be discarded and the container will be submitted to evidence personnel for storage.
2. If the item is going to be processed for DNA or fingerprint evidence, it must be thoroughly dried and packaged in a paper bag prior to submitting it into evidence.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs.

(b) Firearms (ensure they are unloaded and booked separately from ammunition). Stickers indicating “Weapon Cleared” must be affixed to the exterior of the packaging.

(c) Property with more than one known owner.

(d) Paraphernalia as described in Utah Code 58-37a-3.

(e) Contraband.

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles. Per the City Attorney’s Office, syringes taken as evidence in misdemeanor crimes should be photographed and then be disposed of in the provided sharps container for destruction. The syringes themselves will not be accepted into the Evidence Room when the associated crime is a misdemeanor.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged and placed in an evidence locker. Prior to packaging, and if the quantity allows, a presumptive test should be made on all

suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

No presumptive tests will be conducted in the field. The Department has provided a fuming hood in the basement of City Hall for such testing. The use of the fuming hood will reduce an officer's potential for exposure to harmful substances. The officer conducting the test will use the provided personal protective equipment to include disposable gloves, eye protection, and a respirator mask. Prior to using the fuming hood, the officer will receive training on its proper operation. The officer will then follow the standard operating procedures listed by the fuming hood.

A presumptive test is not required prior to booking a subject into jail so long as the officer can articulate why he/she has probable cause to believe the substance is an illegal drug.

Narcotics and dangerous drugs shall be packaged in an envelope or evidence bag of appropriate size available in the evidence booking room. To contain suspected illegal substances, place the drug in a small Ziploc baggie first, then in a heat seal evidence bag. All Narcotics and dangerous drugs must be double bagged. Plant material such as marijuana must always be placed in a paper type storage package. If using an envelope, seal with large packing tape. The booking officer shall initial and date all seals. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container.

804.5 RECORDING OF PROPERTY

The evidence technician receiving custody of evidence or property shall log it into the records management system. A property number shall be assigned by the system for each package, which will attach in the involvements for the case. The property number will be recorded on the property tag and the computer will validate the time and date received. A location where the evidence or property will be stored will also be assigned in the system and documented on the tag.

Any changes in the location of property held by the Department shall be updated and recorded in the records management system.

804.6 PROPERTY CONTROL

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information into the records management system. Officers desiring property for court shall contact the evidence technician at least one day prior to the court date and follow the Evidence Needed for Court procedure outlined in Policy § 808.6.b.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the records management system shall be completed to document the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or officer.

Request for analysis of items shall be completed on the appropriate forms and submitted to the evidence technician. This request may be filled out any time after booking of the property or evidence. The request will be documented in the records management system by an evidence technician.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the property out of evidence. The evidence technician must enter this transaction in the records management system, which will show the date and time, and document the chain of custody.

STATE CRIME LAB PROCEDURES
The evidence technician will complete an entry in the Utah Criminal Justice Information System (UCJIS) under Crime Lab Entry, which will prepare the State Crime Lab for the delivery of the property. All property will be transported to the lab unopened and in its original packaging. The State Crime Lab will generate a form to include received by and released by signatures. A copy of this form will be retained and filed in the Evidence Unit by the evidence technician delivering the property.

When property is returned to the Evidence Unit by the State Crime Lab, a return entry will be made in the records management system. A copy of the lab results will be available on UCJIS. The evidence technician will scan a copy of these results into the electronic filing cabinet software under the appropriate case number.

TOXICOLOGY LAB
Property will be transported to the toxicology lab unopened and in its original packaging. It will be checked in at the lab window, and pertinent information will be entered into the toxicology lab system. A received slip will be generated by the lab, and be given to the transporting employee. The lab employee will also sign the Department's release of property slip. If the transporting employee is not an evidence tech, the received slip and the Department's release of property slip will be taken to an evidence tech. The evidence tech will enter these documents into the case records, verifying the transfer of the property.

Toxicology laboratory reports are sent to the Evidence Unit via email. A copy of the results will be forwarded to the case manager and a copy will be added to the case records.

If property is returned to the Evidence Unit from the Toxicology lab, a return entry will be made in the records management system.

REGIONAL COMPUTER FORENSICS LAB (RCFL) AND OTHER OUTSIDE LABS
It will be the officer's responsibility to transport property in its original packaging to the RCFL or any other outside lab for processing. The officer will sign a Release of Property form in Evidence, and a copy of that form will accompany the officer and property to the outside lab. The property will be checked in at the lab and will be logged into the lab's system according to the lab's protocol. The lab employee will sign the Release of Property form and the officer will sign any chain of custody form required by the lab. The officer will obtain copies of all signed forms and will attach these forms electronically to the case report. The officer will document all chain of custody transfers in a supplemental report to the original case.

The officer will be responsible for the return of the property and its original evidence packaging from the lab. The officer will sign any chain of custody form required by the lab and obtain copies of any results of tests performed on the property by the lab. The officer will attach these documents electronically to the case report. The processed property will be returned to an evidence technician or booked into a secure locker in the Evidence in-take area. The evidence

technician receiving the returned property will make a returned entry in the records management system. The officer will document all chain of custody transfers in a supplemental report to the original case.

If the lab is out of state, or outside of reasonable driving distances, the officer will make arrangements with the lab for the property to be sent via a method which requires a certified signature verifying the receipt of the property. The officer will include the processing request information with the packaged property. The evidence technician will update the records management system to show when the property was checked out and for what purpose. The officer will document all chain of custody transfers in a supplemental report to the original case.

The officer is responsible to ensure the property is returned to him/her via a method which requires a certified signature verifying the receipt of the property. The officer will return the property to an evidence technician or secure the property in a locker in the Evidence in-take area. The evidence technician receiving the property will make a return entry in the records management system. The officer will attach any lab results and other documentation to the case and will complete a supplemental report documenting the chain of custody of each item sent for processing.

If the property is used up during the processing procedure or will not be returned to evidence for any reason, the officer will notify the Evidence Unit of the status of the property in writing. This may be done via email to the evidence helpdesk.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the records management system, stating the date, time and to whom released.

The evidence technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to Evidence or properly released to another authorized person or entity.

The return of the property should be recorded in the records management system, indicating date, time and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The investigating officer shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found or unclaimed property.

Release of property shall be made upon receipt of an authorized release notification, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the submitting officer, the assigned investigator, or supervisor involved in the case and must conform to the items listed in the property field in the records

management system or must specify the specific item(s) to be released. Release of all property shall be documented in the records management system.

Items will be released ONLY to the person authorized by the above-mentioned personnel. (Unless a notarized letter from the owner is produced, or by a representative with an appropriate power of attorney.) Photo identification must be produced in all instances of release.

With the exception of property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. If the owner of any unclaimed property cannot be determined or notified, or if the owner has been notified and fails to appear and claim the property, the agency shall: (Utah Code 77-24a-5)

(a) Publish notice (giving a general description of the property and the date of intended disposition) of the intent to dispose of the unclaimed property on Utah's Public Legal Notice Website.

(b) Post a similar notice on the West Valley City public website.

(c) Post a similar notice in a public place designated for notice within the law enforcement agency.

(d) If no claim is made for the lost or mislaid property within nine days of publication and posting, an evidence technician will notify the person who turned the property over to the Department, if it was turned over by such a person.

1. If that person has complied with the provisions of this chapter (Utah Code 77-24a-5), he/she may take the unclaimed property if he/she:

   a. Pays the costs incurred for advertising and storage, and

   b. Signs a receipt for the item.

2. If the person who found the unclaimed property fails to take the property under the provisions of this chapter (Utah Code 77-24a-5), the agency shall:

   a. Apply the property to a public interest use. Before applying the property to public interest use, the Department shall obtain from the West Valley City Council:

      - Permission to apply the property to a public interest use; and

      - The designation and approval of the public interest use of the property.

   b. Sell the property at public auction and apply the proceeds of the sale to a public interest use; or

   c. Destroy the property if it is unfit for a public interest use or sale.

3. Any person employed by a law enforcement agency who finds property may not claim or receive property under this section (Utah Code 77-24a-5(5)).

The final disposition of all such property shall be fully documented in the records management system.

An evidence technician shall release the property upon proper identification being presented by the person for which an authorized release notification has been received. A signature of the person receiving the property shall be recorded on a printed copy of the release.

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Evidence Unit will be responsible for the control and destruction of all narcotics and dangerous drugs coming into the custody of the Department, including paraphernalia as described in Utah Code 58-37a-3.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of an authorized release form for disposal. The evidence technician shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or officer.

804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds, and related equipment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics (Utah Code 58-37)
- Unclaimed, stolen or embezzled property
- Destructive devices

804.7.2 PRESERVATION OF BIOLOGICAL EVIDENCE

The Case Manager or a supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The appropriate prosecutor

(b) Any sexual assault victim

(c) The Investigation Section Supervisor

When applicable, the case manager will obtain approval from the appropriate prosecutor before destroying any biological evidence.

Biological evidence related to a homicide and sexual felony crimes shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police or his/her designee and the head of the applicable prosecutor's office.

804.7.4 PROPERTY NO LONGER NEEDED AS EVIDENCE

When a prosecuting attorney notifies the Department that evidence is no longer required for prosecution, a determination needs to be made on whether property may be returned to the owner, or if the property is contraband and needs to be destroyed or otherwise disposed of according to law. If the evidence may be returned to the rightful owner, the investigating officer shall notify the rightful owner that the property is available for return by mailing a Notice to Claim Property form to the rightful owner's last known address. The investigating officer will also notify an evidence technician in writing or via email, which property is to be released and to whom. This will allow the evidence technician to change the status of the property to safekeeping. Prior to the release of the property, the owner shall provide valid proof of identification.

When the property is returned, a receipt listing the detail of the property shall be signed by the owner and retained by the Department. A copy of the receipt shall be provided to the owner.

If the Department is unable to locate the rightful owner or the rightful owner is unable to lawfully possess the property, the Department may dispose of the property as provided by Utah Code 24-3-103.

804.7.5 SECURITY AND ACCOUNTABILITY FOR CONTROLLED SUSBTANCES, WEAPONS AND EXPLOSIVES USED FOR INVESTIGATIVE OR TRAINING PURPOSES

(a) **Weapons.** The Department may convert for Department use, weapons that are no longer needed as evidence and have either been awarded to the department through a judicial process, the rightful owner of the property is unable to lawfully possess the item, or the Department, after due diligence, is unable to locate the rightful owner.

Requests to convert these weapons for training purposes or investigative use will be made via the Property Conversion Form, which will be forwarded through the chain of command to the Chief of Police or his/her designee. The request must include justification for the use, the employee responsible for the weapon and how/where the weapon will be secured when not in use.

If approved, the Evidence Technician will sign the weapon over to the designated

employee and make the necessary changes to the weapon's status in the records management system.

(b) **Controlled Substances.** Controlled substances no longer needed as evidence and authorized for destruction may only be used for training or investigative purposes with the approval of the Chief of Police or his/her designee.

Controlled substances used as training aids for the K-9 unit will be handled as described in Policy § 318.9, Controlled Substance Training Aids.

Employees wishing to use controlled substances for investigative or other training purposes will submit their request via the Property Conversion Form through the chain of command to the Chief of Police or his/her designee. The request must include the justification for the use, the employee responsible for the controlled substance(s), the quantity and type(s) of controlled substance(s) needed, how/where the controlled substance(s) will be secured when not in use and the expected length of time of use.

If the request is approved, the Evidence Technician will weigh and test the controlled substance in the presence of the requesting employee. The weight and test results shall be recorded and maintained by this Department. Both the Evidence Technician and the employee receiving the controlled substance(s) will sign the evidence release form.

Any loss or damage to any controlled substance shall be reported immediately to the employee's immediate supervisor.

Upon completion of the training or investigative use, the controlled substance(s) will be returned to the Evidence Technician. The Evidence Technician will weigh and test the controlled substance(s) in the presence of the employee. The employee will complete an IDC or supplemental report explaining any discrepancy that may have occurred related to the approved use of the controlled substance(s).

(c) **Explosives.** The Department does not maintain explosive materials in evidence and therefore does not convert explosive materials for training or investigative use.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) The supervisor of the evidence technicians, or his/her designee, shall perform an inspection to ensure adherence to procedures used for the control of property and evidence on a semi-annual basis.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) Whenever there is a change in evidence custodian personnel, a joint audit of the Evidence Room will be conducted by the new Evidence Custodian as well as a designee as directed by the Chief of Police to ensure that records are accurate and correct. This audit need not be a comprehensive review but should focus on a sampling of all areas of responsibility, especially items that may be considered high risk. This process will ensure the integrity of the system and provide accountability of evidence.

(d) An audit of evidence held by the Department shall be conducted annually. The audit will be conducted by a supervisor within the Department that is not directly responsible or connected with the control of property and evidence.

(e) All property storage areas and facilities will be inspected at least semi-annually to ensure

that they are being maintained in an appropriate fashion.

A copy of all audits and inspections will be submitted to the Executive Director of Support Services. Appropriate copies, as deemed necessary, will be forwarded to the Accreditation Manager for documentation purposes.

804.8.1 UNABLE TO LOCATE

If an item is not found to be in its recorded location during an audit, inventory, or the course of daily activities, the Evidence Supervisor will be notified and a second search of the location will be conducted. If the item is still not located, the following process will be required:

(a) A review of the case status and all related items of evidence for the same incident will be checked to determine if they are still being stored or if the batch has been purged.

(b) An Evidence History of the item will be reviewed to determine the last date and time it was physically handled and by whom. A full inventory of the other items handled during that same timeframe by the specific Evidence Technician will be conducted to determine if the item was misplaced during filing.

(c) A full inventory list of similar item types for the current year will be complied and a full inventory of those items will be conducted to determine if the item was misplaced during filing.

(d) Should the item still not be located, the status will be changed to UTL and the location will be changed to NONE. An IDC will be submitted by the Evidence Supervisor to include the following:

1. A description of the item and the steps taken to locate it.
2. A reasonable explanation as to how the error may have occurred.
3. Recommendations for changes in procedure to prevent a similar error from occurring in the future.

The Executive Director of Support Services will then determine what, if any, further action or discipline is necessary.

804.9 EVIDENCE SECTION'S RESPONSIBILITY

(a) The evidence section's primary assignments are to log, classify, store, dispense, destroy and release property or evidence to its' rightful owner, for court presentation, and/or its destruction and disposal. This also includes the following duties:

1. Maintain evidence and store property in such a manner that individual items are secured from theft, loss, contamination, and can be located in a timely manner.
2. Maintain property reports and proper documentation of all actions associated with the property commonly referred to as chain of custody.
3. Ensure the timely and legally correct notification of owners for release or disposition of property recovered, found, or seized by the Department.
4. Research case disposition to continue maintenance of evidence or disposal of property items.
5. Coordinate the disposal of unclaimed or surplus property and the special

disposal of narcotics, explosives, hazardous materials, and weapons.

6. Release property to persons legally entitled to the property for court, disposal, or destruction.
7. Provide an effective liaison between our police department and other local, state and federal agencies.
8. Stay current with any local, state, and federal laws involving property and evidence handling.
9. Recommend any appropriate changes required by such laws.
10. Maintain a clean and orderly storage facility.

804.10 PHOTOGRAPHIC EVIDENCE

(a) DIGITAL PHOTOGRAPHS

1. **All digital photographs will be uploaded through Evidence.com.** There are no exceptions. Digital photographs need to be submitted prior to the end of the submitting officer's shift on the day the photographs were taken unless the officer receives a supervisor's approval to do otherwise.

(b) 35 MM OR OTHER FILM

1. 35 mm film will be submitted to Evidence in photo processing envelopes, with one roll of film per envelope. A completed property sticker will be affixed to the outside of each envelope and the envelope(s) will be placed into an evidence locker.
2. The Evidence Unit will then submit the 35mm film to an approved processing center for processing. Photos and negatives will be picked up from the processing center in a timely manner.
3. All developed photographs and negatives will be retained by the Evidence Unit. This includes any and photographs taken at crime scenes.
4. If photographic prints are needed and only negatives are available, the Evidence Unit will be responsible for transporting the negatives to the processing center.

(c) PHOTOGRAPHIC EVIDENCE FEE SCHEDULE

1. Fees for the release of photographic evidence will be set in accordance with state and local laws.

Please refer to the West Valley City Policy Department Property Management Handbook under Film/Photographs and Digital Imaging for more information on processing photographic evidence. A hard copy of the handbook is available in the evidence in-take area, and electronic copies are available on PowerDMS and the H Drive.

804.10.1 RELEASE OF PHOTOGRAPHIC EVIDENCE

(a) Release of photographic evidence to persons within the West Valley City Police Department, City Attorney's Office, or other governmental entities who have a legitimate requirement for the photographic evidence, shall be conducted through the following procedure:

1. Police Officers/City Attorneys may have access to the digital evidence in Evidence.com, for investigations they are actively working on in an official capacity. Evidence.com will track via the audit logs of all activity to include but not limited to, downloading, sharing, and viewing of each piece of digital evidence. Random audits of digital evidence being viewed will be conducted by their immediate supervisors.

   (a) If the photographs are from 35 mm film, the requester must allow a minimum of two (2) days' time for processing. Negatives will be submitted to the approved processing center for printing and the requester will be contacted when the prints are returned to the Evidence Unit. The negatives will remain in evidence and only prints will be checked out or released. The request will be documented in the records management system evidence screen. The requestor will be required to sign a Chain of Custody Release Form.

2. Other government entities must request photographs, whether digital or 35 mm, in written form. The officer assigned as case agent will handle all requests from the District Attorney's Office. The District Attorney's Office requests will be forwarded to the case agent and will be noted in the records management system. For other government requests, once the photographs or CD is available, the requestor will be contacted to pick up the photographs at the lobby of the Public Safety Building or the photographs or CD may be sent via certified mail or by other digital means to include utilizing a secure download link, Evidence.com case sharing, or digitally downloading the evidence on a portable hard drive and hand delivering it to the appropriate entity.

(b) Release of photographic evidence to private parties (involved individuals, private attorneys, etc.), shall be requested, in writing, through the Records Section.

1. The Records Section will determine if the photos are available.
2. The Records Section will forward the request to the Evidence Unit. The Evidence Unit will then obtain release permissions for the requested images from the officer assigned as case agent where necessary, and will request a second clearance from the PIO or officer assigned by the Chief of Police to handle administrative authorizations.
3. The Evidence Unit shall determine the necessary fees according to the fee schedule and will verify that the fees have been received prior to releasing any images. If a GRAMA request is completed at the window in the lobby of the Public Safety Building, the fee will be paid at that time to the Records Section personnel taking the request and the requestor will be required to produce photo identification.
4. Once clearance is given and payment received, the Evidence Unit will copy the photographs onto CD, or will send the 35 mm prints either to the lobby for release or send them via certified mail to the requestor. If the photographs or CD is released in person, the person receiving them will be required to sign a Chain of Custody Release Form. Request sent via certified mail will have a signature on the receipt form from the Post Office which is returned to the Department as the sender. This receipt will be attached to the Chain of Custody Release Form as verification that the photos were received and by whom.
5. If a photograph is denied for some reason, a denial letter, signed by the City

Recorder, will be sent to the requestor. The case will need to be GRAMA restricted by the case agent or person denying the release, noting the reasons why the case is restricted.

804.11 EVIDENCE ROOM SECURITY

(a) Purpose: To establish a policy for the security of the evidence areas, in order to maintain evidence integrity and control.

(b) Policy:

1. All evidence items, awaiting disposition, trial, or appeal will be secured in a separate and secure area of the evidence room. It shall be separate from found property items, evidence and property items that have been cleared for release, destruction, disposition, and conversion for department use.
   - (a) Admittance to the Evidence Rooms should be restricted to the evidence custodian(s), the evidence supervisor, and others specifically designated by the Chief of Police. All other individuals entering the Evidence Rooms require escort and an Evidence Room access log entry shall be made indicating:
     1. Date and time of entry and exit.
     2. Name and ID of individual(s) entering the Evidence Room(s).
     3. Valid reason for entry.
     4. Name and Badge number of escort.
     5. Signature of escort and individual entering Evidence Room(s).
   - (b) The Evidence Room(s) area will be kept locked and secured at all times.
2. Incoming and "active" evidence shall not be left unattended or stored in any area except the secured evidence room.
3. No one shall be permitted beyond the business counter of the office area without authorization of the Evidence Room personnel.
4. The Evidence Room has been set aside to protect the integrity of evidence. Only police business shall be conducted in any portion of the Evidence Room(s).
   - (a) No persons other than Evidence Room personnel shall take breaks in the evidence area.
   - (b) The evidence area will not be a place for loitering or congregating.
   - (c) All West Valley City Buildings are no smoking areas. This includes the evidence area(s).

804.12 DISPOSITION OF EVIDENCE MONEY

(a) To establish a procedure for disposition of evidence funds.

(b) Procedure:

1. When the Evidence Unit receives notification from a prosecuting attorney's office that evidence money is no longer needed for prosecution, an evidence technician will send a notice to the case manager asking them if the money should be returned to the owner, continued to be held in evidence or converted for City use.

2. If the money is to be returned to the owner, the evidence technician will mail a notice to the owner. This notice will include instructions on the procedure to claim the money and notice that the money must be claimed within 90 days.
3. Money booked into evidence for safekeeping is held for 90 days. An evidence technician will ensure that a 90-day notice has been sent to the owner of any property, including money, which has been booked into evidence for safekeeping. At the end of the 90-day period, the Evidence Supervisor will follow the procedures outlined in this policy in subsection § 804.6.5, Release of Property.
4. Found money booked into the Evidence Room is held for 90 days. At the end of the 90-day period, the Evidence Supervisor will follow the procedures outlined in this policy in subsection § 804.6.5, Release of Property.
5. Unclaimed money in safekeeping, unclaimed found money, and evidence money designated to be converted for City use, will be hand delivered by the Evidence Supervisor, still in the sealed evidence envelope, to the City Treasurer. The envelope will be opened in the presence of the City Treasurer, and the City Treasurer and Evidence Supervisor will count the money. The Evidence Supervisor will receive a receipt for the money, which will be attached electronically to the associated case. The Evidence Supervisor will also complete a supplemental report to the case detailing the disposition of the money.
6. Evidence money seized through the asset forfeiture process will be handled as noted in Policy 606, Asset Forfeiture.

805 - Drug Collection/Disposal Program

805.1 PURPOSE AND SCOPE

To establish a procedure for collecting and disposing of unwanted prescription drugs from citizens.

805.2 PROCEDURE

(a) The drug collection and disposal program provides a safe disposal location for citizens to properly dispose of unused prescription medications.

1. This program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems which may later negatively affect the environment.
2. This program encourages citizens to remove their unneeded medications from their homes. This reduces access to addictive medications for accidental or intentional misuse by children in the home.

(b) A steel mailbox-style collection box will be provided in which citizens may deposit these medications.

1. Collection boxes shall be clearly marked for this purpose
2. Collection boxes shall be locked and securely mounted to prohibit removal of the box or retrieval of medications from within the box without a key.
3. Citizens may place their unused medications/drugs into the collection box anonymously.
4. Medications can be placed into plastic bags provided at the drop location or place the entire prescription bottle into the drop box.
5. Syringes or sharps of any kind will not be accepted. Instructions for disposal of these items will be posted on the drop box to assist the public.
6. Opened containers of liquid will not be accepted unless they are completely sealed.

(c) The Evidence Unit will be responsible for collection of the deposited medications.

1. The Evidence Unit will be the sole possessors of keys to the collection boxes.
   (a) City Employees, to include police officers, will not have access to the contents of the collection boxes.
2. A case number will be assigned to the collection box annually. The Evidence Unit will document each collection in a supplemental report. This allows for tracking of data to monitor the program's benefits.
3. The Evidence Unit will collect the deposited drugs on a frequency deemed necessary based on the location and usage, but at least on a monthly basis.
4. The Evidence Unit will bag the deposited drugs, document a general description of the contents, provide a weight of the contents, and place them into evidence pending destruction.
5. Two persons from the Evidence Unit will be present during the collection,

weighing, and storage of the drugs.

6. The Evidence Unit will destroy the collected medications in accordance with Federal and State statutes by incineration through a contracted provider of this service.

806 - Records Section Procedures

806.1 PURPOSE AND SCOPE

The Records Director shall maintain the Records Section Policy Manual on a current basis to reflect the procedures being followed within the Records Section. Policies that apply to all employees of this section are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by an agency identifier assigned to The West Valley City Police Department, I (India), followed by a six digit sequential number beginning with 000001 starting at midnight on the first day of January of each year. As an example, case number 09I000001 would be the first new case beginning January 1, 2009. The agency identifier is assigned by Spillman to differentiate our agencies reports from that of other agencies utilizing the Spillman system.

The Department also accepts reports directly from citizens via an electronic reporting system. Reports received electronically will follow the same formatting as above, commencing with the last two digits of the current year followed by the agency identifier I (India). However, in order to ensure each case is assigned a unique number, the six digit sequential number for all reports received electronically will begin with 200001 starting at midnight on the first day of January each year. As an example, case number 14I200001 would be the first case received electronically in the year 2014.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Section accessible only to authorized Records Section personnel. Access to report files after-hours or when records personnel are otherwise not available may be obtained through the Watch Commander.

West Valley City Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.3 RECORDS SECTION SECURITY

806.3.1 PURPOSE

To establish policy and procedures for the maintenance of security for the Records area to prevent the unauthorized release of information or disruption of Records activities.

806.3.2 POLICY

(a) Access to records will be limited to the following:

1. Police Department employees, on official business and as authorized by the Records Section Supervisor, or Senior Records Clerk on duty.
2. Visitors, with approval of the Section Commander or Records Supervisor, who is accompanied by a police employee.
3. Maintenance and support personnel with card reader access.

(b) Control of access to police reports.

1. File copies of reports will be controlled in the following manner:

   (a) Only records personnel will have access to police reports. Officers will not be allowed to access the original police reports.

808 – Collection and Preservation of Evidence

808.1 PURPOSE AND SCOPE

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories is imperative. The officer or investigator who processes a crime or incident scene will be properly equipped to identify, collect, and package all available evidence. It is the responsibility of the officer who collects the item to maintain the chain of custody of that item until such evidence is transferred to the custody of evidence personnel.

808.2 RESPONSIBILITIES

(a) Patrol Officer: A patrol officer assigned to an incident is responsible for documenting the scene and collecting items of evidence. Patrol Officers are equipped with cameras and fingerprint kits and are expected to document and process all property crimes. If it is determined that a patrol officer does not possess the skills or equipment necessary to properly document or collect the items present at the scene, or if the nature of the crime requires a specialized investigation the patrol officer will:

1. Obtain supervisor approval to request a Forensic or Traffic Investigator;
2. Protect the crime scene;
3. Arrange for necessary crowd control;
4. Assist the Forensic or Traffic Investigator as needed and provide scene security until the scene is released.

(b) Forensic Investigator/Traffic Investigator: Once arrived on scene, the Forensic or Traffic Investigator will:

1. Protect the integrity of the crime scene;
2. Locate, identify and preserve physical evidence;
3. Photograph, video, or sketch the scene as required;
4. Mark and collect items of evidence;
5. Maintain the chain of custody of the items collected until they are submitted to evidence personnel.

(c) Evidence Personnel: Evidence personnel are responsible for receiving all evidence and found property collected by members of the Department and to maintain the proper chain of custody until the item is no longer under their control.

808.3 CRIME SCENE PROCESSING

Crime Scene Protection: The first arriving police officer at the scene of an incident/accident is in charge of the scene unless relieved by a supervisor. For major crime scenes or when additional assistance and equipment is needed, a specialized unit may be requested. The specialty unit supervisor shall be in charge of the crime scene upon arrival.

(a) The officer in charge will initiate security measures to prevent persons without a right and

a need to know from entering the crime scene or its immediate area to prevent the destruction or contamination of evidence. Officers should determine an access avenue for investigating officers to view and enter the scene with minimal disturbance.

(b) The officer assigned access control will maintain a log of all individuals entering the crime scene. The log should include, at a minimum, the name, title, and agency of the person entering the scene, and the time and date they enter and exit. The log must have a copy submitted to the Records Section and the original must be booked in as evidence.

(c) The officer will search the crime scene to locate and identify physical evidence. Evidence will not be removed from the scene until its location has been documented with photographs, sketches, or other appropriate means.

(d) Officers should take written notes of their actions, observations, and interviews to ensure accuracy and completeness in subsequent written reports documenting the scene.

(e) If key evidence is obvious and could potentially be disturbed, the officer should place cones or other available devices to protect the evidence until the scene is completely under police control.

808.4 COLLECTION OF EVIDENCE

Upon completion of any photography, note taking, or sketching the collection of evidence can be conducted. Evidence shall be collected in a systematic, organized manner so as to maintain chain of custody.

(a) Property Involvements: A description of all items of evidence will be dictated by an officer as an Involvement or listed on a Property Information Sheet and submitted to the Records Section.

(b) General Procedures: Collected items of evidence shall be placed in individual packaging when necessary to avoid cross-contamination. Each package should be heat sealed or sealed with clear tape and the seal should be signed to include the officer's initials, badge number, and_date. A completed evidence tag shall be attached to the packaging or secured to the item with a zip tie in cases where the item does not need further processing and is self-contained. All items will then be placed into a secured evidence locker. Whenever available, materials and substances from known sources will be collected in order to provide a sample for comparison with the collected evidence.

(c) Original Documents: Documents considered to have evidentiary value will be collected and booked into evidence. These documents should be copied or imaged and submitted to the Records Section to be electronically stored until the storage time limitations are met. The original documents shall be packaged, sealed, and secured in an evidence locker to be received by evidence personnel.

(d) Items that will be submitted to a Laboratory: Items which require further analysis by the Forensic Unit, a state laboratory, or a private laboratory will be submitted with an accompanying Request for Analysis form. Items to be processed for DNA evidence will be packaged in paper bags or cardboard boxes to allow for proper ventilation and prevent degradation.

(e) Potential Bio-hazard Packages: These items are required to have the appropriate warning

labels affixed to them and packaged in a safe manner. Blood or other biological fluids present on any item must be thoroughly dried prior to submission. Please refer to the Property Management Handbook for further procedural instruction.

(f) Firearms, Cartridges, Cartridge Casings, and Fired Bullets: Items collected which may be conducive to a firearm examination require care to protect the barrel and action of the firearm, trace evidence which may be present, and surfaces of the cartridges, casings, and fired bullets. Detailed photography with oblique lighting methods should be performed prior to packaging the items in order to document the presence of any trace evidence, fingerprints, and markings.

1 Every firearm is required to have a yellow Weapons Cleared sticker adhered to the gun box prior to booking. Every attempt should be made to record the make, model, serial number, caliber, manufacturer, and importer on the sticker and as part of the Supplemental Report or on a Property Information Sheet when a firearm is collected so an e-trace can be requested.

2 All firearms collected will be unloaded and the action open. Revolvers should be made safe by threading a plastic zip tie around the top of the frame to prevent the cylinder from closing. Rifles and pistols should be made safe by inserting a yellow Weapon Cleared plug into the chamber. Shotguns should be made safe by leaving the breech open. Collectors of firearms should never insert anything into the barrel in order to pick up the firearm or render it safe.

3 Ammunition must be packaged separately from a firearm. Ammunition contained in a gun magazine may be left in place if the items are to be processed for trace DNA or fingerprints. A Request for Analysis form should be submitted with the item and the ammunition will be packaged separately upon completion of the examination by Forensic Personnel. If a gun magazine is empty, it should be packaged in the same box as the firearm.

4 Attempts should be made to recover a fired bullet from whatever object in which it may be found. Care must be taken to avoid damaging the bullet during the removal process. In instances of multiple casings and bullet recovery, the collector should assign each item a letter or number and document the location with photography, description in a report, and a corresponding notation on the packaging. The bullet or casing should be packaged in a paper envelope or paper bag.

5 Any tracings of the path of a fired bullet may be accomplished through the use of string, trajectory rods, or laser beams. All tracings must be photographed and documented in detail to include heights, angles, and distances. If necessary, this complex process will normally be completed by a Forensic Investigator.

(g) Clothing, Sheets, Blankets, or Other Fabrics: Items considered to be evidence must be carefully collected and preserved to avoid contamination from other sources or the loss of trace evidence.

1 Fabrics collected should be carefully folded to retain trace evidence and placed into clean paper sacks or paper wrapping and sealed for transport. Wet or damp items must be fully dried prior to being submitted to Evidence personnel.

2 The person collecting the evidence should utilize a clean drying room in the evidence intake area when necessary. He/she should place a sheet of clean wrapping paper at the bottom of the clothes rack or on the bench and hang or place items in such a way to allow for air flow around the items and prevent cross-contamination.

3 The door to the drying room must be locked and sealed with evidence tape, and the officer will retain the key to the room until the items are thoroughly dried and packaged. The key should then be left in the door of the empty room for the next officer's use. If any trace evidence is visible on the wrapping paper, the paper should also be carefully folded and packaged to be submitted to evidence personnel.

(h) Currency: Currency needs to be submitted properly to protect the employee from allegations of misappropriation or mishandling of funds. As such the following procedure shall be followed when booking money into evidence:

1 At least two employees will be involved in handling and collecting money as evidence.

2 Photograph or photocopy all bills.

3 Sort all bills by denomination.

4 Count each denomination and completely fill out a currency label which will be attached to the evidence envelope. Do the same for any coins. Total the entire amount of bills and coins.

5 **A second employee and a supervisor will also count the money for verification. The two employees and the supervisor will all sign the currency label, verifying the amount of money being submitted to Evidence.**

6 The impounding employee will place the currency into the evidence money envelope with the currency label affixed, and will properly seal the envelope and sign the seal.

7 The impounding officer will complete the evidence tag, mark the appropriate evidence type, and adhere the tag to the front of the money envelope.

8 The envelope will then be placed into an intake storage locker and the door secured.

(i) Vehicles: In those instances when a vehicle must be examined for evidence of a crime the following guidelines apply:

1 If the vehicle requires extensive processing, it should be towed to the Department storage facility. Prior to towing, the doors, trunk and hood will be sealed by placing a single piece of evidence tape on the bottom edge or in a location not likely to be handled by a suspect. The seal will be signed and dated by the officer or investigator.

2 An officer or investigator will follow the tow truck to the Department storage facility. The vehicle will be stored in the evidence bay of the storage facility, in one of the secure chain link cages. The cage will be locked by the officer or investigator and

the key will be retained by the booking officer or investigator until the vehicle has been processed. If the vehicle is going to be processed by someone other than the person who secures it in the cage, the key can be booked into evidence as Safe Keep.

3 Forensic personnel or investigators wishing to examine the vehicle must obtain the key from the booking officer or investigator or have it released from evidence, and must complete a supplemental report which includes the reason for having access to the vehicle.

4 Once the vehicle has been processed, it may be moved from the secure cage into the storage area of the facility. The key to the secure cage should then be placed back into the padlock for that cage.

(j) Alcoholic Beverages: These items will be documented and collected using the following guidelines:

1 The employee collecting the alcoholic beverage should place a mark on the container to note the level of the liquid in the container upon seizure and the item should be photographed. The liquid will then be discarded and the container will be submitted to evidence personnel for storage.

2 If the item is going to be processed for DNA or fingerprint evidence, it must be thoroughly dried and packaged in a paper bag prior to submitting it into evidence.

(k) Trace Evidence: This can involve small particles or items that may include hairs, fibers, fingernails, paint chips, scrapings, or soil. Items of this nature should be folded into a clean piece of paper and placed into an envelope.

(l) Fingerprints and Palm Impressions: These items are typically referred to as latent prints and can be visible or enhanced with powders and chemicals. These items should be photographed and then collected using lifting tape and preserved on backing cards. The card should contain general case information, as well as a detailed description of the location it was recovered from. The edge of the lifting tape should be signed and dated by the collecting officer and the lift cards should be submitted for further analysis

(m) Shoe or Tire Impressions: These items may have specific detail that can be identified as being formed by an individual source. The following guidelines should be followed:

1 Detailed photography from directly over the impression is paramount. The use of oblique lighting from several different low angles can highlight the details of the impression. Photographs taken with and without a scale are required.

2 Casting of the shoe or tire tread pattern can be completed using dental stone or sulfur casting materials, depending upon the surface. Gel lifts may also be used to collect and preserve dust impressions.

3 Any suspected shoe or tire should be photographed in detail with and without a scale and collected as evidence for comparison by an examiner.

808.5 CRIME SCENE REPORT

Officers who investigate crime scenes or officers in charge of crime scenes shall submit a written report. This report shall provide an overview of what was observed, accomplished,

and collected. This report should be completed and forwarded for review as soon as possible and should contain at least the following information:

(a) Agency case number.

(b) The date and time of the incident.

(c) The date and time of the officer's arrival.

(d) The location of the crime scene.

(e) The victim and suspect names or identifying factors.

(f) A description of the scene and actions taken.

(g) A listing of physical evidence and where it was located.

(h) Any statements made by victims, suspects, or witnesses.

808.6 RECEIVING AND TRANSFER OF CUSTODY

(a) Transfer of Custody: Maintaining a strict chain of custody on evidence is essential. Each time a piece of evidence changes possession, the transfer must be recorded.

1 Officers are responsible for transferring physical evidence to the Evidence intake area, properly filling out evidence tags and affixing them to each item and securing all items in an evidence locker. Officers will dictate the evidence as part of their incident report or record the evidence on a Property Information Sheet and submit this with their daily report packet.

2 All property must be secured in an evidence locker prior to the end of the officer's daily shift. Members of this Department will not store evidence in their workspace, vehicles, homes or other places that are not secure and which would interrupt the chain of custody. The only exception to not securing evidence in an evidence locker prior to the end of shift, is if an officer must travel overnight in order to collect evidence from another jurisdiction relating to a case in this jurisdiction. Then evidence should be removed from the vehicle the officer is traveling in and secured with him/her in his/her overnight accommodation so that the chain of custody remains unbroken.

3 To temporarily remove property from the custody of evidence personnel for further investigation or other official purposes, a notation will be made in the evidence screen in Spillman to note who will have custody of the item, how it will be secured and the reason the item is being removed from evidence. A paper copy will be made of this entry and signed by the person to whom the evidence is being released. This copy will be scanned into the records management system as part of the case report.

(b) Evidence Needed for Court: The following is the process for checking out evidence for court:

1 Officers checking out evidence for court will need to present their subpoena to the evidence technician on the day of court. A copy of the subpoena will be made for Evidence's records. If the officer has an early court time it is highly recommended that they send the evidence helpdesk an email prior to the day of court so that

items can be prepared and ready for the officer to check out when they arrive at Evidence on the day of their proceedings.

2 The evidence technician will provide the officer with a “Court Evidence Receipt” which will include the date, case number and barcode number for each item the officer is requesting for court. A copy of this receipt will be made and kept in the evidence file.

3 The officer should complete the “Court Evidence Receipt” noting the court action and whether the evidence was retained by the court, should still be retained in evidence, may now be legally destroyed or can be released to the original owner.

4 Any evidence not retained by the court and the completed “Court Evidence Receipt” will be returned to Evidence on the same day that the evidence was checked out for court. Personnel are not to secure evidence overnight in their workspace, vehicle, home or any other location for any reason.

5 The officer will complete a supplemental report to the original case to document the transfer and chain of custody.

(c) Receiving Responsibilities: Evidence personnel have the responsibility to receive all evidence, safekeep and found property collected by members of the Department and maintain the proper chain of custody until the item physically leaves the Department. Fundamental to the operation of the property storage area is a records system that reflects the following:

1 Location of the property in the property storage area.

2 Date and time the property was received or released.

3 Character, type and amount of property on hand.

4 Chain of custody from the time the item was stored until its destruction or other final disposition.

5 A log of all inventories, inspections and audits performed.

810 - Release of Records and Information

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

810.2 PUBLIC REQUESTS FOR RECORDS

Utah Code 63G-2-201 provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in Utah Code 63G-2-302, 63G-2-303, 63G-2-304 and 63G-2-305. Public requests for records of the Department shall be processed as follows:

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of the Department by submitting a written and signed request for each record sought and paying any associated fees. The processing of requests is subject to the following limitations:

(a) The employee processing the request shall determine if the requested record is available and if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 business days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Chief of Police or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party.

(b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

(c) Department records shall only be released in accordance with the Government Record Access and Management Act (GRAMA).

(d) Requests by elected officials for records that are not open to public inspection should be referred to the Office of the Chief for a determination as to whether the records will be released.

(e) Upon request, the Department shall provide unrestricted records in electronic format:

1. If the Department currently maintains the records in an electronic format that is reproducible and may be provided without reformatting or conversion.
2. If the electronic copy of the record does not disclose other records that are exempt from disclosure; or
3. The electronic copy of the record can be segregated to protect private, protected or controlled information from disclosure without the undue expenditure of Department resources or funds.

810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of the Department shall be made public subject to the following restrictions.

810.3.1 GENERAL CASE AND CRIME REPORTS

Every person has the right to inspect a public record, and take a copy of a public record (including initial police reports), unless access is restricted pursuant to court rule or the report is described in Utah Code 63G-2-302, 63G-2-303, 63G-2-304 and 63G-2-305.

810.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports, as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the appropriate attorney.

Criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos obtained from the state criminal history database shall only be subject to release to those agencies and individuals as allowed by law.

810.3.3 TRAFFIC COLLISION REPORTS

Traffic collision reports, upon request, shall be disclosed to (Utah Code 41-6a-404(3)):

(a) A person involved in the accident, excluding a witness to the accident.

(b) A person suffering loss or injury in the accident.

(c) An agent, parent, or legal guardian of the above.

(d) A law enforcement agency.

(e) The media, restricted to release of the following information:

1. The name, age, gender, and city of residence of each person involved in the accident.
2. The make, model, and year of each vehicle involved in the accident.
3. Whether or not each involved person was covered by vehicle insurance.
4. The location of the accident.
5. A description of the accident.

810.3.4 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Utah Code 63G-2-302).

Peace officer personnel, both current and former, records are deemed confidential and protected (Utah Code 63G-2-302 and 63G-2-303) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police or as required by law.

810.3.5 AUTOMATED LICENSE PLATE READER (ALPR) RECORDS

ALPR data shall not be made public except as provided by a disclosure order, a search warrant or other court order.

810.4 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law.

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Utah Code 63G-2-305(9)).

Release of general and investigative reports of child abuse or suspected child abuse may only be disclosed pursuant to law (Utah Code 62A-4a-412, Utah Code 63G-2-305(59) and Utah Code 77-37-4(5)).

810.4.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a Subpoena Duces Tecum shall be stamped in red ink with a Department stamp identifying the individual to whom the record was released.

810.7 RECORD EXPUNGEMENTS

Record expungement orders will be processed in accordance to Policy § 802, Expungements.

810.8 TRAINING

The Records Section supervisor(s) shall, on an annual basis, successfully complete an online records management training course provided by the state Division of Archives and Records Service.

812 – Utah Criminal Justice Information System (UCJIS)

812.1 PURPOSE AND SCOPE

This policy provides guidelines for the dissemination, privacy, and security of information acquired from any file accessed in the Utah Criminal Justice Information System (UCJIS).

812.2 AUTHORITY

This policy is established pursuant to Utah Code 53-10-108 which delineates restrictions on access, use, and contents for UCJIS records and penalties for improper use.

812.3 DEFINITIONS

UCJIS Information - shall include all of the information acquired from any file accessed in UCJIS and any WVPD documents containing this information. These files include information from the Driver License Division (DLD). Motor Vehicle Division (MVD), Utah computerized Criminal History (UCCH), Statewide Warrants (SWW), National Law Enforcement Telecommunications System, Interstate Identification Index (III), and National Crime Information Center (NCIC) data bases.

Criminal History Record Information – means information on individuals consisting of identifiable descriptions and notations of:

(a) Arrests, detentions, indictments, informations, or other formal criminal charges, and

(b) Sentencing, correctional supervision, and release and any WVPD documents containing a list of prior arrests.

Criminal Justice Agency - Means courts or a government agency or a subdivision of a government agency that administers criminal justice under a statute, executive order, or local ordinance and that allocates greater than 50% of its annual budget to the administration of criminal justice.

812.4 UCJIS CRIMINAL HISTORY OR WARRANT OF ARREST INFORMATION

As a general rule, dissemination of information from a criminal history record or warrant of arrest information from UCJIS files is limited to criminal justice agencies for purposes of administration of criminal justice and for employment screening by criminal justice agencies.

Any criminal history record information obtained may only be used for the purposes for which it was provided and may not be further disseminated.

Utah Code 53-10-108(1)(a) through (h) describes all circumstances under which there is authorization to disseminate criminal history records or warrant of arrest information. Persons not included in this statute, or authorized by the Commissioner of Public Safety, are not authorized recipients and shall not receive UCJIS information.

812.4.1 TERMINAL AGENCY COORDINATOR (TAC)

A Records Supervisor is the designated Terminal Agency Coordinator (TAC) for the West Valley City Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The TAC will resolve specific questions that arise regarding authorized recipients of UCJIS information.

812.4.2 RELEASE OF UCJIS INFORMATION TO CITIZENS

Only the persons listed below are authorized to release UCJIS information to citizens. Each authorized person releasing UCJIS information is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Terminal Agency Coordinator (TAC).

(b) Records Supervisor.

(c) Full-time employees of the Records Section.

(d) Personnel specifically designated in writing by Section Commanders with the concurrence of the TAC.

812.5 JUVENILE RECORDS

Members of this Department shall not generate a hard copy (printed or electronic) of a juvenile's rap sheet or record summary.

812.6 RIGHT OF ACCESS REQUESTS

Utah Code 53-10-108(8)(a) requires the Commissioner of Public Safety to establish procedures to allow an individual right of access to review and receive a copy of the individual's criminal history report.

Utah Code 53-10-108(8)(c) requires the Commissioner of Public Safety to establish a procedure to allow an individual to challenge the completeness and accuracy of their criminal history record information.

812.6.1 PURPOSE FOR RIGHT OF ACCESS REQUESTS

To establish guidelines for dissemination of UCJIS criminal history information to persons requesting their own records.

812.6.2 POLICY FOR RIGHT OF ACCESS REQUESTS

It is the policy of the West Valley City Police Department to release a printed copy of a UCJIS criminal history record to the subject of the record upon his/her request.

812.6.3 PROCEDURE FOR RIGHT OF ACCESS REQUESTS

(a) Citizen application process:

1. The person requesting a copy of his/her own criminal history record must appear in person. The person must complete and sign an application and waiver of liability

in the presence of a West Valley City Police Department employee.

2. The person must provide valid photo identification, i.e., driver's license, State identification card, military identification card, passport, alien registration card or government identification card. (This does not include a Utah State Driving

   Privilege Card or any other government issued identification that specifically states that it is not to be used for identification purposes.)

(b) Right of Access purpose code:

1. "P" will be used for the purpose code when running any Right of Access request. Only Utah Criminal Histories will be inquired upon. Triple "I" and/or NLETS will not be accessed at any time when running Right of Access requests.

(c) Dissemination of Utah Computerized Criminal History Record for Right of Access to any requester:

1. A photocopy of the requesting person's valid identification, West Valley City Police Department's application, waiver of liability, and receipt of payment will be attached together and filed in the dissemination log file created for each year. These forms will be retained for a period of three years.
2. Each printed page of the record will be stamped and dated. The stamp will indicate that the record was not verified with fingerprints and was valid as of the date printed, making the record outdated daily.
3. The requesting person will be advised that any incorrect or missing data must be taken to the Utah Bureau of Criminal Identification for correction.

(d) A fee will be charged for any person receiving a Utah Computerized Criminal History report through the West Valley City Police Department for Right of Access information.

(e) Misuse of Utah Computerized Criminal History/ Right of Access:

1. The West Valley City Police Department will conduct an investigation regarding any complaint or allegation filed involving the misuse of the criminal history files/ Right of Access. The Commissioner of Public Safety and the Director of the Utah Bureau of Criminal Identification will also be notified upon the discovery of misuse of UCJIS.
2. Any West Valley City Police Department employee found in violation of any policy relating to the Utah Computerized Criminal History/ Right of Access, may be disciplined according to this policy.

812.7 PROTECTION OF UCJIS INFORMATION

UCJIS information stored in the Records Section or elsewhere shall be secured in locked desks, locked file cabinets or in locked rooms.

Direct access to UCJIS information stored in the Records Section shall be restricted to the Records Section personnel authorized to release it.

812.7.1 COMPUTER TERMINAL SECURITY

No employee shall be authorized to operate computer terminal equipment with access to UCJIS information until the operator has completed the appropriate training.

Employees should take all reasonable steps to prevent unauthorized access to UCJIS information from any departmental terminal.

812.7.2 DESTRUCTION OF UCJIS INFORMATION

When any document providing UCJIS information has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the UCJIS documents they receive.

812.7.3 MOBILE DEVICE MANAGEMENT

The West Valley City Information Technology (IT) Department supports the Mobile Device Management (MDM) service to enforce the UCJIS technology standards.

Employees are responsible for ensuring all mobile devices used for Department business are MDM compliant.

812.8 TRAINING PROGRAM

All personnel authorized to access and disseminate UCJIS information shall be required to complete a training program prescribed by the TAC. Departmental TACs shall coordinate the course to provide training in the proper use, control, and dissemination of UCJIS information.

812.8.1 USER TESTING AGREEMENT

Members of this Department requiring access to UCJIS to adequately perform their job function shall submit to a Bureau of Criminal Identification background check. They shall also be trained and tested in proficiency to receive a LOGIN ID. Members shall retrain and retest every two years.

(a) Each employee shall be held accountable for the information run on their LOGIN ID.

(b) Employees will not share, post, or otherwise divulge access codes and passwords.

812.9 PENALTIES FOR MISUSE OF UCJIS

It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by UCJIS or information contained in a record created, maintained, or to which access is granted by UCJIS for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity. (Utah Code 53-10-108(11)(a)). There is also a potential for civil action.

Inquiring into any of the UCJIS files is NOT permitted for the following purposes: curiosity and personal inquiries, employment for other than criminal justice, business licenses, military recruiters, citizen advisory boards, or peer support.

Any person who discovers or becomes aware of any unauthorized use of UCJIS information shall notify their supervisor immediately.

Misuse of UCJIS information by an employee could result in the loss of State computer access for the entire agency.

814 - Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure, search and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and therefore they should utilize the most knowledgeable available resources. When possible, this includes enlisting the help of a computer forensics examiner, who will use the latest industry accepted techniques to preserve the evidence when conducting the search.

When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external memory drive) with care so that potential evidence is not lost.

(g) Store all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.

4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories that do not have data storage capacity (monitors, mouse, keyboard, cables, some software and manuals) should not be seized unless as a precursor to forfeiture.

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of a digital storage device is required, the officer will forward the following items to a forensic examiner or persons trained in the preservation and examination of digital media:

(a) Copy of report(s) detailing how the computer was used in criminal activities. Also include the Evidence/Property sheet.

(b) Copy of a "consent to search form" signed by the property owner or the person in possession of the property, or a copy of a search warrant authorizing the search of the property for evidence relating to the investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy disc, Cd, DVD, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission to a forensic examiner or persons trained in the preservation and examination of digital media. If the information is needed for immediate investigation, document all actions taken and use a write-blocking device if feasible.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.

(e) Use cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device, which includes messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic examiner or persons trained in the preservation and examination of digital media. Evidence can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) When feasible, the device should be placed in a Faraday shielding bag to prevent the device from sending or receiving information. If a Faraday shielding bag isn't available, the device should be put in "airplane" mode then powered off. The passcode should be attached to the device when possible.

(c) When seizing the devices, also seize the charging units if possible.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

AUDIO RECORDINGS

All audio recordings will be uploaded through Evidence.com. Audio recordings should be uploaded prior to the end of the submitting officer's shift on which the recording was taken, unless the submitting officer has supervisory permission to do otherwise.

(a) Each submission will be given a case number by the submitting officer, which should be documented in the officer's initial report.

(b) Items will be uploaded to Evidence.com by the person in possession of the item.

(c) If the audio recording is not in digital form, or for some other reason cannot be uploaded to Evidence.com, it may be booked into the Evidence Room in an envelope with a completed evidence tag attached. It will then be accessible to be checked out and/or copied as needed.

VIDEO RECORDINGS

All video recordings will be booked into Evidence in an envelope with a completed evidence tag attached.

814.5.3 PRESERVATION OF DIGITAL EVIDENCE

(a) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(b) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

816 – U-Visas

816.1 PURPOSE AND SCOPE

This policy provides guidance to employees regarding U Nonimmigrant Status Certification (U-Visa) and the completion of Federal Form I-918, Supplement B in accordance with the Homeland Security U Visa Law Enforcement Certification Resource Guide.

816.2 POLICY

The West Valley City Police Department will respond to all requests for U-Visa certification by following the procedure outlined in this policy. The Form I-918B will be reviewed and signed or denied by the Chief of Police or his/her designee.

816.3 GENERAL INFORMATION

The U-Visa is an immigration benefit that can be sought by victims of certain crimes who are currently assisting or have previously assisted law enforcement in the investigation or prosecution of a crime, or who are likely to be helpful in the investigation or prosecution of criminal activity. The law enforcement certification, United States Citizenship and Immigration Services (USCIS) Form I-918, Supplement B, U Nonimmigrant Status Certification (Form I-918B), is a required element for U-Visa eligibility.

A current investigation, the filing of charges, a prosecution or conviction are not required to sign the I-918B. Many instances may occur where the victim has reported a crime, but an arrest or prosecution cannot take place due to other mitigating circumstances.

There is no statute of limitation on signing the I-918B. The I-918B may be submitted for a victim in a closed case.

NOTE: An agency's decision to provide a certification is entirely discretionary; the agency is under no legal obligation to complete a Form I-918B for any particular alien. However, without a completed Form I-918B, the alien will be ineligible for a U-Visa.

816.4 DEFINITIONS

Definitions for terms relating to U-Visas include:

Qualifying Crimes –

- Abduction
- Abusive Sexual Contact
- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- Felonious Assault
- Female Genital Mutilation
- Being Held Hostage
- Incest

- Involuntary Servitude
- Kidnapping
- Manslaughter
- Murder
- Obstruction of Justice
- Peonage
- Perjury
- Prostitution
- Rape
- Sexual Assault
- Slave Trade
- Torture
- Trafficking
- Witness Tampering
- Unlawful Criminal Restraint
- Other Related Crimes * **
- *Includes any similar activity where the elements of the crime are substantially similar.
- **Also includes attempt, conspiracy or solicitation to commit any of the above and other related crimes.

Helpful – Helpfulness means the victim was, is or is likely to be assisting law enforcement in the investigation or prosecution of a qualifying criminal activity or which he/she is a victim. This also includes an ongoing responsibility on the part of the victim to be helpful. Those who unreasonably refuse to assist after reporting a crime will not be eligible for a U-Visa. Those victims who unreasonably refuse to provide assistance after a U-Visa has been granted may have the U-Visa revoked by USCIS. Law enforcement agencies should contact and inform USCIS of the victim's unreasonable refusal to provide assistance in the investigation or prosecution should this occur.

Victim – Generally means an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

816.5 PROCEDURE

Victims must first complete the Form I-918B and attach any relevant supplemental documentation or findings, pertinent to the appropriate Part listed on the Form I-918B.
The West Valley City Police Department Chief of Police or his designee will fill out Part 2 of the Form I-918B.

The West Valley City Police Department Chief of Police or his designee should do the following in making a determination as to certify the Form I-918B:

- Verify the West Valley City Police case number and jurisdiction.
- Verify the applicant is a victim of a qualifying crime.
- Read all appropriate reports, supplemental reports, witness statements and or related documentation

- Confer with the initial officer, investigating Detective(s) and/or the Victim Advocate's Office and or the City Prosecutor's Office and or the District Attorney's Office to determine the helpfulness of the victim.

The West Valley City Police Department Chief of Police or his designee should do the following after making a determination to sign or deny the Form I-918B:

- Complete a supplemental report under the appropriate case number, justifying the reason for the signing or denial of the Form I-918B. The supplemental report should reference the above-mentioned items in making a decision to certify the Form I-918B. The Circumstance Code "UVISA" will be used when submitting the supplemental report, for tracking purposes.
- A copy of the completed and signed I-918B should be submitted with the supplemental report of those that have been approved. A copy of the Form I-918B as submitted by the applicant should be included with a supplemental report when the Form I-918B is denied.
- Notification should be made to the victim or the victim's representative when the Form I-918B is denied. Notification should be in the form of an official letter on department letterhead, mirroring the information contained in the supplemental report. A copy of the signed denial letter should be submitted to the Records Section, with the supplemental report.
- Notification should be made to the victim or the victim's representative when the Form I-918B is signed. Arrangements should be coordinated to ensure the victim or the victim's representative receives the signed I-918B.
- If feasible, the I-918B and all related documentation/notifications should be completed within thirty (30) days of being received.

816.6 RESOURCES

Prospective citizen's inquiring about the U Visa process may contact the USCIS National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD for the hearing impaired).

The Salt Lake City Field Office of the USCIS is located at 660 South 200 East, Suite 400, Salt Lake City, UT 84111. Please note that prospective citizen's wishing to make an appointment at the Field Office may only do so online at www.uscis.gov/about-us/contact-us.

902 - Custody Searches

902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent Department procedures for custodial arrests and searches of adult persons. Special rules and procedures apply to juveniles that are arrested. Reference is directed to Department policy § 324, Temporary Custody of Juveniles, which governs custodial procedures for juveniles.

902.2 DEFINITIONS OF SEARCHES

Pat-Down Search - This is the normal type of search used by officers in the field to check an individual for weapons. This type of search is permissible when a reasonably prudent officer believes his/her safety, or that of others, is endangered (*Terry v. Ohio* 392.U.S. 1, 1968; UCA 77-7-15) This search involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner or other prisoners.

Search of Persons Incident to Lawful Arrest - A warrantless search incident to a lawful arrest is a reasonable intrusion under the Fourth Amendment (*Arizona v. Gant* 129 S.Ct.1710, 2009). This type of search must be conducted substantially contemporaneous to the arrest (*Shipley v. California* 89 S.Ct.2053, 1969). A search incident to a lawful arrest is limited to the arrestee's person and the area within the arrestee's immediate control; that is the area from within which the arrestee might gain possession of a weapon or destructible evidence (*Arizona v. Gant* 129 S. Ct. 1710, 2009). The purpose underpinning a search incident to a lawful arrest as an exception to the search warrant requirement is to protect arresting officers and to preserve any evidence that an arrestee might conceal or destroy (*Arizona v. Gant* 129 S. Ct. 1710, 2009). In the event a search warrant is applied for and authorized by a court of jurisdiction to effect an arrest, the person(s) and/or property to be seized will be limited in scope and by particularity specified in the search warrant.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person. This includes monitoring of an arrestee showering or changing clothes where the arrestee's private underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

902.3 PAT DOWN SEARCHES

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer

of the same gender as the person being searched. Absent the availability of a same gender officer, it is recommended that a witness officer be present during any pat-down search of an individual who is not the same gender as the searching officer.

902.4 ARRESTEE RIGHTS

Whenever an officer arrests, or otherwise takes custody of an adult, and the officer intends to question the person about incidents, actions, or conduct that is criminal in nature, then the officer shall advise the arrested person of his/her Miranda rights (*Miranda v. Arizona* 384 U.S. 436, 1966) Each officer will carry, or be familiar with, the Miranda warning and will make the advisement by reading aloud from the Miranda warning card or reciting the warning.

902.5 STRIP SEARCHES AND PHYSICAL BODY CAVITY SEARCHES

This Department strongly discourages the use of strip or physical body cavity searches; however, under extraordinary circumstances it may become necessary to conduct searches of this nature, based on probable cause, for the safety of officers or to secure evidence of criminal activity. In the rare event that an officer must conduct a search of this nature, the officer performing the search will conduct the search in a manner that maximizes the regard for human dignity. Members of this Department will not conduct strip searches or physical body cavity searches unless authorized by a search warrant or where exigent circumstances exist and the officer receives the approval of a supervisor.

902.5.1 STRIP SEARCHES

Any strip search will be documented in an official police report. Documentation will include, at a minimum, the following:

- Circumstances necessitating the strip search
- Articulable facts, evidence, or other information justifying the probable cause for the strip search
- If a search warrant is not obtained, the reason(s) justifying the exigency or necessity to conduct the strip search without a search warrant.
- The name and rank of the supervisor who approved the strip search.

All strip searches must be performed by a person of the same sex as the arrested person, and in an area where the search cannot be observed by a person not physically conducting the search.

Any officer(s) serving as a backup to the officer conducting the strip search will position themselves outside of the search room, and remain ready for immediate entry into the area where the strip search is being conducted should a problem arise.

In the event a subject becomes combative during the strip search, the gender issues and number of people involved in the strip search will no longer be applicable until such time as the subject's actions are controlled.

At the conclusion of the strip search, officers are responsible for ensuring that the subject is fully clothed and prepared for movement prior to leaving the search area.

902.5.2 BODY CAVITY SEARCHES

All body cavity searches, other than searches of the oral cavity (mouth), shall require the prior issuance of a search warrant. In addition to the search warrant requirement, officers must document the circumstances necessitating the body cavity search in an official police report. Documentation will include, at a minimum, the following:

- Circumstances necessitating the body cavity search
- Articulable facts, evidence, or other information justifying the probable cause for the application for a search warrant.
- The name of the judge who authorized the search warrant.

Should emergency medical treatment be required, officers will request the assistance of the West Valley City Fire Department. If the medical emergency should result in the removal of evidence from a body cavity to protect the life or safety of the subject, that evidence should be preserved and secured in accordance with department policy.

A body cavity search (with the exception of the oral cavity) will be performed under sanitary conditions, in an area where the search cannot be observed by a person not physically conducting the search, and will only be performed by a licensed physician or nurse.

Any officer(s) serving as a backup to the licensed physician or nurse conducting the body cavity search will position themselves outside of the room, ready for immediate entry, should a problem arise unless the physician or nurse request's the officer's presence.

In the event a subject becomes combative during the search, the officer(s) will enter the room and control the subject. Once the subject is controlled, the officer(s) will return to the position outside the room unless the safety of the physician or nurse requires the officer(s) to stay in the room to control the subject.

At no time will a subject be left alone in a room. An officer, physician, or nurse must be constantly observing the subject before, during, and after the body cavity search until such time as the subject is declared medically cleared to be released or escorted from the search area by an officer.

If the subject will be taken into police custody and transported to a detention facility, officers are responsible to ensure that the subject is fully clothed and prepared for movement prior to leaving the search area.

1000 - Recruitment and Selection

1000.1 PURPOSE AND SCOPE

West Valley City is an "Equal Opportunity Employer" and selects and hires employees without regard to race, religion, age, disability, gender, color, national origin, or any other non-meritorious factor. The City evaluates applicants for employment based upon their knowledge, skills, experience, education, and potential for job performance.

1000.1.1 WEST VALLEY CITY EMPLOYMENT POLICY

All policies will be applied in accordance with and ultimately governed by the West Valley City Employment Policies and " Staffing Practices" listed in "Part 2" of the West Valley City Policy Manual and the Human Resource Department of West Valley City.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The West Valley Department of Human Resources maintains standards for all positions.

The Utah Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

In addition to Utah Code 53-6-203, the following standards have been adopted for public safety applicants. Failure to meet the following standards may result in disqualification from the application process.

1000.3.1 OPERATION OF A MOTOR VEHICLE

(a) Possess a valid driver license at the time of hire.

(b) Possess a valid Utah driver license within six (6) months of hire.

(c) Have a safe driving record.

(d) The following may be disqualifying:

1. Receipt of three or more moving violations (or any single violation of a potential life-threatening violation, such as reckless driving, speed contest, fleeing from police in a motor vehicle) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application.
4. Two convictions for driving under the influence of alcohol and/or drugs.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, payoffs.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission or omission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or truth verification examination.
2. Discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
3. Any forgery, alteration or intentional omission of material facts on an official employment application document, or episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

The following may be disqualifying:

(a) The inability to give testimony in a court of law due to his/her dishonesty or lack of veracity, or due to prior felony conviction.

(b) Conviction as an adult of any criminal offense involving dishonesty, unlawful sexual conduct or physical violence.

(c) Conviction of any offense classified as a misdemeanor under Utah law while employed as a peace officer (including military police officers).

(d) Admission of having committed any act amounting to a felony (including felony offenses later reduced to misdemeanor convictions) under Utah law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).

(e) Admission of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.

(f) Admission of any act of domestic violence as defined by law, committed as an adult.

(g) Admission of any criminal acts committed against children. Acts of consensual unlawful sexual activity with a minor that took place between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.

(h) Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

1000.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.

(e) A willingness to work the hours needed to complete a job.

(f) The following may be disqualifying:

1. Missing any scheduled appointment during the process without prior permission
2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations.
3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.
4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past 10 years (excluding military).
5. Having a history of being financially irresponsible.
6. Resigning from any paid position without notice.
7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to laws, statutes, codes.

(c) The ability to learn and to apply what is learned.

(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.

(e) The following may be disqualifying:

1. Having been academically dismissed from any POST-certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas. Subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement.

1000.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity to the feelings of others.

(b) Empathy.

(c) Discretion, not enforcing the law blindly.

(d) Effectiveness in dealing with people without arousing antagonism.

(e) The ability to understand the motives of people and how they will react and interact.

(f) The following may be disqualifying:

1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
2. A pattern of using derogatory speech regarding another person's race, religion,

gender, national origin or sexual orientation.

3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

(d) The ability to make effective, logical decisions under pressure.

(e) The following shall be disqualifying:

1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state civil rights laws.
2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

The City prohibits the use, sale, purchase, transfer, manufacture, possession, or presence in one's system of illegal or unauthorized drugs, synthetic/designer drugs, or any controlled substance, except legally prescribed drugs, or prescribed drugs by any person while on City property, engaged in City business, or operating City equipment. Similarly, the City prohibits the use, sale, manufacture, purchase, transfer, or possession of alcohol in or on City property, or from being under the influence of alcohol while performing City business or job-related duties, or while operating City equipment. This policy includes abuse of any substance that gives off toxic vapors.

The West Valley City Drug and Alcohol Policy is outlined under separate cover and includes the use of random testing in certain positions and/or when required under federal law. Employees who violate this policy are subject to disciplinary action, including termination of employment, in addition to any criminal charges that may result.

Conviction involving the unlawful use, manufacturing, cultivation, sale or possession for sale of a controlled substance will be considered automatic disqualifiers for public safety applicants.

(a) Use of the following drugs, without a valid prescription, in the last four years will be considered automatic disqualifiers:

1. Heroin, PCP, Quaaludes.
2. Toluene, Percodan, Crank.
3. LSD, Mescaline.
4. Cocaine, Tai Sticks, Morphine.
5. Peyote, Opium, Demerol.
6. Methadone Psilocybin / Mushroom Amphetamine.
7. Barbiturates Injected / Methamphetamine.

(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification.

1. Any illegal use or possession of a drug as a juvenile.
2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above.
3. Any illegal or unauthorized use of prescription medications.

1000.3.9 POST STANDARDS

Applicants will be disqualified for hire if they fail to qualify for POST certification under Utah Code 53-6-203 and Utah Code 53-6-211.

1002 – Attendance and Absenteeism

1002.1 PURPOSE AND SCOPE

To establish a uniform standard governing the use of paid time off and prevent abuse of such leave.

1002.2 BACKGROUND

Attendance is a basic tenet of satisfactory job performance and employees are expected to be at work as scheduled. Nonetheless, there are times when an employee cannot attend work because of illness. In these instances, employees have been extended the benefit of paid time off, otherwise referred to as “PTO.” The PTO benefit is afforded to employees so that on those occasions when the employee is unable to work due to their own illness; must attend to an ill family member; or in instances when an employee needs to schedule appointments with a medical provider during their scheduled work day; the absence is not deducted from their normal pay.

1002.3 POLICY

Satisfactory attendance is an expectation of all employees of the West Valley Police Department. Paid Time Off (PTO) is made available to employees to take time off from work, with pay, when staffing allows. Additionally, PTO can be authorized when unanticipated events occur that prevent an employee from attending work as scheduled. Examples of unanticipated absences include personal illness, illness of an immediate family member requiring the employee’s care, or doctor appointments when such appointments cannot be scheduled outside of an employee’s work schedule.

Employees who cannot attend work must call and speak with their supervisor as soon as possible, but no later than sixty (60) minutes prior to the start of their scheduled shift. If the supervisor is unavailable, employees may leave a message for the supervisor with a phone number where they can be reached. The supervisor will then return their call.

Employees shall call into their supervisor on each day of absence. Failure to call in on consecutive days is considered a violation of this policy and may be viewed as a voluntary resignation from employment unless the employee can demonstrate valid reason why they were unable to call in.

An employee that is absent from work, citing illness, which lasts 3 or more consecutive days must provide a doctor’s excuse justifying the absence. Should the employee fail to produce a doctor’s excuse, the absence will not be approved and the employee will not be compensated from their PTO account and disciplinary action may result.

1002.4 CONSEQUENCES OF POOR ATTENDANCE AND/OR OVERUSE OF PAID TIME OFF

The accumulation of twelve lateness’s in a “rolling” year (any consecutive twelve months) is grounds for disciplinary action, including termination.

Disciplinary action, up to and including employment termination, will commence, for the overuse of PTO when any of the following conditions exist:

- When an employee accumulates 80 hours of absences during any rolling 12-month period;
- Upon an employee's sixth (6) occasion of absence because of sickness during any rolling 12-month period;
- There is an established pattern of absence indicating abuse of PTO.

1002.5 RESPONSIBILITIES OF THE SUPERVISOR

Responsibility for managing absenteeism falls primarily on immediate supervisors. These supervisors are often the only people who are aware that a certain employee is absent. Additionally, they are in the best position to understand the circumstances surrounding an employee's absence and to notice a problem at the earliest stage. Therefore, their active involvement in the organization's absence procedures is pivotal to the overall effectiveness and future success of an absence policy or program.

In addition to ensuring that work is appropriately covered during the employee's absence, there are a number of other critical actions that supervisors need to take to manage absenteeism. They should:

- Ensure that all employees are fully aware of the organization's policies and procedures for dealing with absence.
- Be the first point of contact when an employee phones in sick.
- Maintain appropriately detailed, accurate, and up-to-date absence records for their staff, (e.g., date, reason for absence, expected return to work date, doctor's certification if necessary).
- Identify any patterns or trends of absence which cause concern.
- Conduct return-to-work interviews and counseling.
- Initiate disciplinary procedures where necessary.

During any rolling 12-month period, if an employee has either accumulated 40 hours of absence or been absent on 4 separate occurrences, the supervisor will counsel the employee regarding the attendance policy. The involved employee will be informed that a written warning will be issued to them for their next absence. In the event that there is a subsequent absence, a 5th occurrence, the employee will again be formally counseled and advised that they will be required to provide a doctor's excuse for any further absences. Any subsequent absences from work that are not accompanied with a doctor's excuse will be grounds for disciplinary action and employment termination.

(a) **Stage 1: Counseling Interview**

The immediate supervisor should advise the employee of his concern over the involved employee's absences, try to establish the reasons for the sickness, and determine what

needs to be done to improve attendance.

If any medical condition is identified at this stage, and is likely to have an effect on job suitability, the supervisor shall, through the chain of command, arrange an appointment with a company-approved doctor. This action will be coordinated through the Human Resources Department. The involved employee should be confirmed to the employee in writing within five working days of such request.

If, from the discussion, the problem does not appear to be due to an underlying unfitness for work, the supervisor should advise the employee that, while the recorded ailments may be genuine, a sustained improvement in attendance is expected or the next stage in the procedure will be taken.

A review of the attendance will automatically be made each month for the next twelve (12) months.

(b) **Stage 2: First Formal Review (Verbal Warning Stage)**

If the employee's absences continue following analysis and regular monitoring, the employee shall have a formal review meeting with the supervisor and next-in-line superior.

The formal absence review should be detailed in a memo to the employee. The employee should be advised of the reason, date, time, and location of the interview.

The purpose of this meeting will be to:

- Continue to discuss the underlying reasons for the absences;
- Advise the employee of the service and cost implications of his/her absence; and
- Warn the employee (except when deciding to seek medical advice) that if there is not a substantial and sustained improvement, his/her employment may be terminated because of her inability to maintain an acceptable attendance level.

These advisements by management constitute the verbal warning and should be documented by the supervisor for future reference.

If medical attention is warranted, action should be taken immediately. The employee will be advised that within five working days, they must receive formal medical advice. When the employee returns with their medical evaluation, the attendance review will then be reconvened with a member of the Human Resources Department and the doctor's opinion will then be discussed.

If the employee's physician confirms fitness for work, the employee should be warned about the consequences of continued absence.

(c) **Stage 3: Second Formal Review (Written Warning Stage)**

Where regular monitoring indicates that no improvement in the absence pattern has occurred, a second formal meeting will be arranged, through the chain of command, with

Human Resources.

Again, the memo to the involved employee will include a summary of the absence record, acknowledgement of the previous counseling date, time, and location of the formal review. The employee shall also be advised on their right of representation.

Any new information given at the meeting regarding ill health or a change in the nature of sickness may need to be assessed by a City-approved doctor.

The employee should be given the opportunity to explain his or her absence record. If appropriate, the supervisor should inform the employee that a formal written warning is being issued and that this warning will remain in the employee's personnel file. A copy of the warning should be issued to the employee and to his/her representative.

The employee should be informed that failure to comply with the Police Department's attendance expectations, and to improve on the present unacceptable record of absence, will result in formal disciplinary action, which could include termination of the employee's employment.

Where fitness for work is in doubt, proceed with reassignment options according to the guidance received by the doctor (this will be requested and approved through the chain of command).

(d) **Stage 4: Formal Disciplinary Action**

If, following the implementation of the previous stages of the disciplinary process, no improvement in attendance occurs, management may proceed with formal disciplinary action. The involved employee may be administratively charged in accordance to any applicable law and/or working agreements. A copy of the charging document should be sent to the employee's representative (if applicable).

(e) **Stage 5: Termination of Employment**

This is the final stage in the disciplinary process whereby the employee is dismissed for inability to comply with the company's requirements for attendance at work. Dismissal can only take place with a written recommendation of the Chief of Police, and is ultimately authorized by the City Manager.

The involved employee will be charged with violating the organization's attendance policy. Again, the employee will be notified of their attendance record and rights under any law or other existing agreement; this notice will also include advice on representation. The employee should be advised that, as a result of the charges, he or she may be dismissed for incapability to perform work duties.

Again, the company doctor may have to be consulted if any new information is presented on behalf of the employee regarding the employee's health or capacity for work.

Where reassignment is not possible, or appropriate, consider proceeding with dismissal for

reasons of capability. Eligibility for disability benefit will depend on the circumstances of each case.

If a decision is made to dismiss on the basis of capability, a copy of the letter of dismissal should be sent to the employee's representative (if appropriate).

1004 – Transfers

1004.1 PURPOSE AND SCOPE

To establish a uniform standard governing the transfer of employees to and from specialized assignments within the Department.

1004.2 POLICY

All transfers are subject to review and approval by the Chief of Police

As with other Departmental business and records, all information related to the selection/transfer of an applicant, including the interview questions, personnel records, Internal Affairs findings and applicant performance reviews will be treated as confidential by any Department member having access to that information.

1004.3 PROBATIONARY EMPLOYEES

Probationary employees will remain in their initial assignment for the duration of their probation. They may request a transfer only after successfully completing probation and meeting the time in service requirements indicated on the Special Order for the requested assignment.

1004.4 SUPERVISORY TRANSFERS

All supervisory transfers are made at the discretion of the Chief of Police.

Generally, newly promoted supervisors will be assigned to the Patrol Bureau and will not be assigned to the same shift or unit to which they were assigned prior to their promotion.

1004.5 TRANSFER FACTORS

In applications for transfer, the Department may consider qualifications including, knowledge, training and experience, skill and ability, physical and mental condition, balanced staffing, performance evaluations and the needs of the Department.

Providing all factors are relatively equal, seniority will be determinative.

Seniority is determined as follows:

(a) First preference – time in rank.

(b) Second preference – appointment date as a police officer.

(c) Third Preference – tenure with the Department.

1004.6 SUBMITTING A REQUEST FOR TRANSFER

The requesting employee:

(a) Will submit a formal transfer request via an Intra-Departmental Correspondence (IDC).

(b) Will forward the completed IDC, along with other required paperwork as necessary for specialized units (refer to the specific Special Order for the requested assignment) to the supervisor indicated on the Special Order for the requested assignment.

(c) May not request transfers to specialized assignments until a Special Order for that assignment is announced.

(d) Will not consider the transfer request process, including approval, as an expectation to transfer.

(e) Is prohibited from soliciting the assistance of person(s) not members of the Department to obtain a transfer of any kind within the Department.

(f) Will refer to the Appeals and Withdrawals section if their transfer request is denied and they wish to appeal.

1004.7 TRANSFER SPECIAL ORDERS

Special Orders announcing potential openings in specialized assignments will be prepared by the Bureau Commander over the Section or Unit with potential openings. The Special Order will be approved by the Chief of Police and disseminated to the Department by the Office of the Chief.

Special Orders will include the following information:

(a) Minimum qualifications for the position.

(b) Selection criteria based on knowledge, skills, and abilities identified in the assignment description for the position.

(c) Examples of duties identified in the assignment description for the position.

(d) A description of any exams, practical exercises and/or interviews which will be part of the selection process.

(e) The application procedures.

(f) The selection process.

(g) A deadline for submission of applications, which will be no less than fourteen (14) days from the date of the announcement.

Special Orders announcing potential transfer opportunities will be distributed to all units and should be read in lineups for four (4) days.

1004.8 DUTIES OF THE SPECIALIZED UNIT SUPERVISOR

The supervisor in charge of the selection process for a specialized assignment will:

(a) Notify candidates when applications have been received and inform them of any other requirements.

(b) Review all applications to ensure each candidate meets the minimum qualifications for the position.

(c) Notify candidates who do not meet the qualifications for the position in writing of the reasons for their disqualification from the selection process.

(d) Arrange any exams, practical interviews and/or interviews outlined in the Special Order, and notify all applicants of the dates and times these will take place.

(e) Review all candidates' personnel files, internal affairs files, performance reviews and other pertinent information that should be considered in the selection process.

(f) Solicit input on the candidate's performance from the candidate's current supervisor.

1004.9 SELECTION AND ELIGIBILITY LISTS

After the selection process is complete the specialized unit supervisor and the Bureau Commander will compile a ranked eligibility list of the candidates with their justification for the rankings. This list will be forwarded to the Chief of Police for final approval.

Once the specialized unit supervisor has received approval, they may notify the candidates of the results of the selection process.

Copies of all the materials used or considered in the selection process, along with the approved, ranked list of candidates, will be forwarded to the Office of the Chief. This material will be maintained by the Office of the Chief for three (3) years or until the eligibility list expires, whichever occurs last.

The eligibility list will become effective on the date it is approved by the Chief of Police.

Any member on the eligibility list, regardless of ranking, may be selected for transfer.

Eligibility lists remain active for one year from the effective date. Any exception must be justified to and approved by the Chief of Police.

Upon expiration of any list, all names will be removed from eligibility status for the named position. The specialized unit supervisor should start another selection process at least 45 days before an anticipated vacancy or before the expiration of the list if additional openings are anticipated.

Once a transfer is approved, a Promotion/Transfer/Change of Status IDC will be disseminated by the Office of the Chief to the Department via email. This IDC will include:

(a) The name of the employee(s) being transferred.

(b) The effective date of the transfer.

(c) The assignment/unit the employee is being transferred from.

(d) The assignment/unit the employee is being transferred to.

1004.10 APPEALS AND WITHDRAWALS

Appeals

Employees who are notified that they have been disqualified from the selection process, or who wish to appeal the selection process, may appeal within five (5) days of the notification of disqualification or effective date of the eligibility list.

Appeals must be made on an IDC and sent to the specialized unit supervisor noted on the Special Order for the requested position.

A specialized unit supervisor receiving an appeal will attach all relevant and supporting documents relating to the disqualification or selection process, and forward the appeal and documentation to the Chief of Police for a final review and decision.

Withdrawals

Employees desiring to withdraw any transfer request must submit an IDC to the specialized unit supervisor noted on the Special Order for the requested position. The IDC must be completed and include the reason for withdrawal.

The specialized unit supervisor who receives the request for withdrawal will remove the transfer request from the active transfer file and remove the employee's name from the eligibility list for that position.

1004.11 ADMINISTRATIVE TRANSFERS

Administrative transfers may occur for a variety of reasons, including, but not limited to, personnel shortages, special Departmental needs, disciplinary actions, job performance and expertise.

Administrative transfers made for disciplinary reasons must be done in accordance with any established laws or employment regulations.

When an administrative transfer occurs, the Bureau Commander of the employee being transferred will be advised of the reasons for the transfer. The commander will then advise the member being transferred of the reason for the transfer.

A Promotion/Transfer/Change of Status IDC will be disseminated by the Office of the Chief to the Department via email as described in § 1004.9.

1006 – Performance Evaluations

1006.1 PURPOSE AND SCOPE

The purpose of a performance evaluation is to improve an employee's performance and therefore the efficiency and effectiveness of the Department. This policy provides guidelines for completing employee performance evaluations.

1006.2 POLICY

It is the policy of the West Valley City Police Department to complete annual performance evaluations for all employees except the Chief of Police. Entry level employees will be evaluated at least quarterly, for a period of not less than one year from the date the employee actually performs the duties of the position.

1006.3 DEFINITIONS

Employees are evaluated in the job competencies that directly affect their assigned duties. Evaluation scales are defined below:

Unsatisfactory – This rating should be given if the employee's performance of the majority of the various aspects of the job competency being rated has been unsatisfactory for the major portion of the rating period.

Needs Improvement – This rating should be given if the employee's performance of the majority of the various aspects of the job competency being rated needs further development in order to meet the expected performance level for that competency.

Meets Expectations – This rating should be given if the employee's performance of the majority of the various aspects of the job competency being rated has been satisfactory for the major portion of the rating period.

Exceeds Expectations – This rating should be given if the employee's performance of the majority of the various aspects of the job competency being rated has been more than satisfactory for the major portion of the rating period.

Outstanding – This rating should be given if the employee's performance of the majority of the various aspects of the job competency being rated has been exemplary and greatly exceeds expectations for the major portion of the rating period.

1006.4 RATING PROCEDURE AND RATER RESPONSIBILITIES

Prior to the employee's yearly evaluation, employees whose performance is determined to be unsatisfactory shall be notified in writing of their specific performance deficiencies and counseled on expected job performance.

Evaluations will be completed using the current performance evaluation software supplied by the City.

The evaluation will be completed by the employee's current supervisor or a supervisor assigned by the employee's current Bureau Chief. If the employee has been supervised by multiple supervisors during the rating period, the rating supervisor is encouraged to solicit input on the employee's performance from the employee's past supervisors.

The evaluation will be based on observed or documented behavior over the rating period. The evaluation should be representative of the employee's total performance and contribution for the entire rating period. Evaluations require well-planned, accurate and detailed information. Raters should review the employee's past evaluations and any other files or documentation related to the employee's performance. Raters should recognize the importance of the evaluation process and put forth the appropriate effort to ensure a worthwhile, pertinent and fair evaluation.

The supervisor rating the employee will give an explanation for the rating for each job competencies. This should include the reason for the rating given and examples of performance behavior when appropriate. Ratings of unsatisfactory or outstanding will include especially detailed justifications for the rating.

Once the rating supervisor has completed the evaluation, and prior to discussing the evaluation with the employee, the evaluation will be reviewed up the employee's chain of command to the Chief of Police. Each reviewing supervisor in the chain of command may send the evaluation back to the rating supervisor for revision or forward it to the next level in the chain of command for review. Each reviewing supervisor is encouraged to write brief comments regarding the employee's performance.

An employee who is dissatisfied with his/her evaluation may appeal within five (5) days of the receipt of the evaluation. Appeals must be made on an IDC and sent to his/her Bureau's Deputy Chief. The Deputy Chief receiving the appeal will attach all relevant and supporting documents relating to the performance evaluation, and forward the appeal and documentation to the Chief of Police for final review and decision.

1006.5 EMPLOYEE COUNSELING

Once the evaluation has been reviewed by the Chief of Police, the evaluation will be returned to the rating supervisor who will meet with the employee and discuss the performance evaluation.

At a minimum, this discussion will include the results of the performance evaluation just completed; the level of performance expected and rating criteria and/or goals for the next rating period; and, career counseling relative to such topics as advancement, specialization or training appropriate to the individual employee's position and/or job assignment.

During the discussion of the evaluation the employee will be given an opportunity to write their own comments on the evaluation. The employee and the rating supervisor will sign the evaluation. The employee will be provided a copy of the completed evaluation on request.

The original, signed evaluation will then be forwarded back to the Office of the Chief to be placed in the employee's personnel file.

1006.6 RATER TRAINING

All raters shall be trained to use the City authorized performance evaluation software. The rater's immediate supervisor is responsible for ensuring that the rater is trained in the proper procedure for completing a meaningful performance evaluation.

Raters will be evaluated by their supervisors regarding the quality of ratings given employees.

1008 – Military Deployment and Reintegration

1008.1 PURPOSE

The City of West Valley will grant all employees administrative leave to fulfill military service obligations in accordance with applicable laws. This applies to any branch of military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA). The purpose of this procedure is to provide minimum guidelines for the Department when a member will be deployed for 90 days or longer.

1008.2 DEPLOYMENTS

Members seeking a military leave of absence will provide advanced notice of his/her intent to take military leave to their Watch Commander/Supervisor and the Public Safety Human Resources Senior Advisor, unless advanced notice is precluded by military necessity or is otherwise impossible or unreasonable, considering all relevant circumstances. Anticipated dates of mobilization will be required to facilitate scheduling, leave, authorization, and salary. Members may submit a copy of his/her orders.

Full-time employees who are members of the National Guard or any reserve branch of the United States Armed Forces, or who are serving in a training capacity or are deployed under official military orders are entitled to annual paid leave not to exceed 110 hours per calendar year.

An employee may not use military leave to make up for any designated holiday occurring during the leave. When actual military leave exceeds the allowed military leave hours, employees may draw on PTO or accrued holidays to remain on the City's payroll. The City Manager, with approval from the City Council, may allow additional benefits to be paid to employees who are called up to active duty in times of national emergency. If the employee has no accrued time and still desires to remain covered under the City's insurance programs, they must pay the entire cost.

The City may grant military leave for military pre-induction examinations. The department head and the Human Resources Office require verification of military leave for active military duty or military pre-induction examinations. The verification must be forwarded to the City Manager, the Human Resources Office, and Finance Department with the employee's time card.

Eligible employees will be paid the difference, if any, between their military pay, from all sources and their hourly rate of pay, (base pay), at West Valley City.

West Valley City will continue to pay contributions of up to 20% of base salary into the Utah Retirement Systems and to the employees 401-a account if applicable, and to the City's Long Term Disability Plan if applicable, while the employee is on active duty.

The employee will be eligible for military pay as outlined in this section of the Personnel Policy and Procedure Manual. Employees are eligible for 110 hours per calendar year of military pay. When military leave exceeds the eligible hours, employees may draw on accrued Personal Time Off leave and accrued holidays to remain on the City's payroll. Unless otherwise notified by the

employee, all accrued leave will be paid out each two week period, (normal payroll periods), until it is depleted. Personal Time Off leave will continue to accrue as if the employee is actively at work; however, Personal Time Off leave hours will also be paid out as it is accumulated unless the employee notifies the City.

Health and Dental insurance will continue to be provided as long as the employee pays their portion of the expense. The Health and Dental plans in place will be responsible to determine what, if any, benefits are payable to the employee and their dependents serving in the military. West Valley City will have no input into disputed claims. If the employee chooses to cancel the City's medical and dental benefit plans while on active duty, he/she may do so; however, the employee must remain on the plan in order to continue to provide benefits for his/her dependents.

1008.3 DEPLOYMENT OF 90 DAYS OR LONGER

Military personnel deployed for a period of 90 days or longer will follow the Department's deployment and reintegration process to ensure:

- Contact is maintained between the employee and the Department before, during, and after deployment.
- The employee's equipment is secured and accounted for.
- The employee receives refresher training facilitating reintegration back to work.
- The employee and his/her family receive support when needed.

(a) Pre-deployment

1. The Public Safety Human Resources Senior Advisor will act as the agency point of contact for deployed members. He/she will also serve as the point of contact regarding employee benefits and salary continuation.
2. Members will participate in an "exit interview" with the Public Safety Human Resources Senior Advisor prior to deployment to establish the following:
   (a) Contact information including, but not limited to:
      i. The employee's military e-mail and phone number, if available.
      ii. Family contact information, including any support the Department may be able to provide during the employee's deployment.
      iii. Unit name and identification.
      iv. Commanding Officer's name, telephone number, and e-mail address.
      v. Immediate military supervisor's name, telephone number, and email address.
      vi. Name of the military ombudsman (or equivalent) telephone number and e-mail address.
   (b) Arrange for the secure storage of registered weapons, ammunition, credentials, assigned vehicles, Department key cards/fobs, portable radios, and any other work-

related equipment. Department-owned equipment will be securely stored through the Training Section.

(b) Deployment

1. Deployed employees will maintain periodic communication with the Public Safety Human Resources Senior Advisor regarding status changes.
2. A deployed employee may direct requests for assistance regarding personal or family needs to the West Valley City Peer Support supervisor or team member.
3. The Training Section will maintain a record of any certifications, qualifications, and applicable Department training missed by employees during deployment.
4. If internet access is available to employees during deployment, they will check their city e-mail whenever practical to receive personal correspondence from Department members, information regarding Department events, policy updates, and roll call trainings.
5. The Department will make reasonable effort to notify deployed employees of promotional opportunities and accommodate testing processes.

(c) Reintegration

1. Prior to returning to full duty, returning employees will meet with the Chief of Police and/or Watch Commanders/Supervisors for a reintegration interview. This interview may include, but is not limited to:
   (a) The completion of any necessary paperwork regarding salary or benefits with the Public Safety Human Resources Senior Advisor.
   (b) The return of any equipment stored by the Department during deployment.
   (c) The need for any medical examinations or psychological evaluations for the member.
2. The Training Section will schedule required weapons qualifications/re-certifications.
3. The T.A.C. Coordinator will arrange for any necessary NCIC re-certifications.
4. The Accreditation Manager will verify returning employees have received all policy updates.
5. Returning employees may be assigned to a refresher training program for their assigned area with a trainer, as determined by a section commander or his/her designee. If training is deemed necessary, the trainer will complete a memo to the section commander at the conclusion of the training, documenting what was accomplished and the member's progress.
   (a) Employees, or the trainer, may request a longer training period. Refresher training exceeding 40 hours will require a meeting with the employee, the trainer, and the employee's supervisor to determine the employee's needs and the next course of action.

1010 – Report of Officer Convictions and/or Offenses

1010.1 PURPOSE AND SCOPE

Establishment of uniform policy for sworn officers of this city and other jurisdictions in the handling of violations of the law.

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Chief of Police of any past and current criminal convictions (Utah Code 76-10-503).

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Federal law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

Any person applying for or holding a concealed firearm permit and who is convicted of any offense involving domestic violence may have the permit refused, revoked or suspended (Utah Code 53-5-704(2)(a)(vi)).

1010.3 OTHER CRIMINAL CONVICTIONS

Utah Code 53-6-203(1)(d) prohibits any person convicted of a felony from being a peace officer in the State of Utah. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or no contest plea.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of the Department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any retired officer whose criminal conviction prohibits him/her from lawfully possessing a firearm or ammunition will have their department identification card revoked.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.4.1 REPORTING OF OFFICER-INVOLVED VIOLATIONS OF THE LAW

In order to maintain the integrity of this and other departments, it is necessary that violations of the law not be ignored. For officer involved violations by sworn officers of this department or another department, the following should be adhered to:

- All evidence, statements, photographs and information of an offense should be collected in a professional and impartial manner.
- Evidence will not be suppressed because the suspect is an officer.
- Whenever possible, a supervisor will be on scene during the investigation.

Obtain and report the following information immediately to a supervisor:

- Name, ID# and Department of the officer.
- Offense and all facts pertinent to the violation and/or offense.
- Date, time and location of offense.
- Victim Information

Supervisor's responsibilities:

- Respond to the scene
- Notify Administration as soon as information is available.

1012 - Alcohol and Drug Use

1012.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The West Valley City Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

1012.1.1 WEST VALLEY CITY DRUG AND ALCOHOL POLICY

All employees will abide by this policy and the provisions contained in the West Valley City Drug and Alcohol Policy (West Valley City Personnel Policies and Procedures, Part 9).

1012.1.2 ALCOHOLIC BEVERAGES AT POLICE OR CITY SPONSORED EVENTS

West Valley City Police Department prohibits the consumption or the serving of any alcoholic beverage at a department or city sponsored (or co-sponsored) event.

All alcoholic beverages will be prohibited at the event for the duration of the event.

1012.1.3 PURCHASE AND TRANSPORTATION

Department employees shall not possess or purchase alcohol or other intoxicants for personal use while in uniform. See uniform policy for further.

Department employees will be prohibited from possessing or purchasing alcohol for personal use while operating a City owned vehicle. Alcohol and other intoxicants for personal use will not be transported in any City owned vehicle except as approved for special assignment or in the commission of official police duties.

1012.2 GENERAL GUIDELINES

The consumption of illegal drugs is strictly prohibited and the consumption of alcohol is generally prohibited by on-duty personnel except as necessary and expressly authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. The affected employee shall notify the Watch Commander or appropriate supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other illicit controlled substances on City property, at work, or while on-duty except in the performance of a special assignment as described in § 1012.2.

Department employees shall not illegally manufacture any alcohol or drugs.

1012.2.2 USE OF PRESCRIBED MEDICATIONS

Employees who use prescription and/or over-the-counter medications – that the employee or his or her health-care provider believes may impair the employee's ability to perform his or her job responsibilities safely – are responsible for notifying The Human Resource Department, so that steps can be taken to minimize the safety risks posed by such use. Employees may be asked to obtain a doctor's certification that the employee can safely perform the responsibilities of his or her position. Any information the City may learn about an employee's health or medicines will be treated as confidential, and will be shared with City personnel only on a need-to-know basis.

No employee shall be permitted to work or drive a Department-owned or leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

1012.3 EMPLOYEE ASSISTANCE PROGRAM

The Department and West Valley City strongly encourage employees who believe that they have a problem with alcohol or drugs – legal or illegal – to seek assistance *before* a violation of this Policy is found. For those employees who self-identify a substance-abuse problem to the City, the use of accrued paid time off *may* be allowed, the employee may be placed on an authorized leave of absence, and sources of help *may* be provided. The employee would be referred for a medical assessment and possible counseling and rehabilitation, and would, if retained, be subject to possible re-testing during and after rehabilitation, and would − at the City's sole discretion − be subject to continued employment provided the employee completed all prescribed treatments, passes all required drug testing, and fully cooperates in the counseling and rehabilitation program at all times.

1012.4 WORK RESTRICTIONS

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that an employee's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the employee whether he/she has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed and the time of consumption, and the name of the person who prescribed the controlled substance.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall notify Human Resources. The supervisor shall follow the directions of Human Resources regarding screening tests and incident documentation.

1012.5 REQUESTING SCREENING TESTS

(a) Job Applicants

1. All job applicants must take and pass a mandatory drug test as soon as practical and as directed by the City following their acceptance of a conditional offer of employment, and prior to the actual time they commence employment with the City.

2. A confirmed positive test will result in the withdrawal of an offer of employment. A job applicant's refusal to submit to testing; failure to fully cooperate in the testing process; attempt to tamper with, substitute for, adulterate, dilute, or otherwise falsify a test sample; and/or any other conduct which would intentionally prevent or compromise a valid test result will be considered a withdrawal from the application process and will result in denial of employment.

(b) Employees

Employees may be subject to drug and/or alcohol testing as a condition of continued employment, as directed by the Department and/or City at its sole discretion. This includes, but is not limited to, drug and/or alcohol testing:

1. On a for-cause basis;
2. As part of a post-incident investigation;
3. During and post-rehabilitation, including return-to-duty testing;
4. Neutral, random-selection basis; and/or
5. As otherwise deemed necessary and appropriate by the Department and/or City, at its sole discretion.

1012.5.1 CONSEQUENCES OF A POSITIVE TEST

Any employee whose drug or alcohol test is positive will be considered to be in violation of this Policy and will be subject to adverse employment action, up to and including termination of employment.

1012.5.2 SCREENING TEST REFUSAL

An Employee's refusal to submit to testing; failure to fully cooperate in the testing process; attempt to tamper with, substitute for, adulterate, dilute, or otherwise falsify a test sample; and/or any other conduct which would intentionally prevent or compromise a valid test result will be considered insubordination and will result in termination of employment.

1012.6 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files.

1012.7 SEARCHES

(a) When the Department and/or West Valley City has probable cause to believe that an employee is violating any aspect of this Policy and/or West Valley City Personnel Policies and Procedures, Part 9, he or she may be asked by the City to submit immediately to a search or inspection. Such a search or inspection can be required at any time (including during breaks and meal periods) while on City premises, representing the City, *or* at worksites where the City conducts operations.

(b) This includes a search of an employee's person and/or the requirement that the employee make his or her desk, work station, storage locker, briefcase, purse, pockets, wallet, personal belongings, vehicles, accommodations, and/or any other property that he or she uses, has access to, and/or has control of, available for inspection.

(c) Any property provided by the City, or its customers, to an employee is provided with only a temporary license of use and/or access, and then only relative to the appropriate performance of the employee's work responsibilities. Such license is specifically subject to the condition that the employee must, on request, grant access to the property for inspection and search. The City reserves and retains the right to remove any lock or other devise securing the property, as necessary and/or appropriate.

(d) Entry on to the City's premises or worksites constitutes a consent to searches and inspections.

(e) An employee's refusal to consent to a search or inspection when requested by West Valley City constitutes a violation of this Policy and – as with other violations of this Policy – is grounds for adverse employment action, up to and including termination of employment.

1012.8 COMPLIANCE

Employees must, as a condition of employment, abide by the terms of this policy. Employees must promptly and fully report the illegal use of controlled substances on their own part or the part of any other employee.

1014 - Paid Time Off (PTO)

1014.1 PURPOSE AND SCOPE

The City encourages employees to take at least one full concurrent week of PTO leave each year. The Bureau Chief provides each employee reasonable opportunity each year to take paid time off.

Employees must schedule all PTO with their supervisor. Supervisors need to be as flexible as possible to allow employees to use their paid time off according to the employee's personal needs. The only exception to this extended flexibility is when organizational needs outweigh the need for the employee to take unscheduled paid time off.

Paid time off may be used for any purpose.

A Bureau Chief may require that an injured or ill employee take paid time off if the department reasonably believes that the employee is unable to perform work responsibilities due to the injury or illness or the employee may spread the illness to other employees or the public.

1014.2 PAID TIME OFF REQUEST AND NOTIFICATION

(a) The following policy will be used for requesting time off:

1. A Request for Days Off form must be completed by the employee for all time and/or days off requested. The form must be submitted to the employee's supervisor for review and approval. With supervisory approval, an email to the employee's supervisor may take the place of the Request for Days Off form.
2. Days off may be taken with any combination of PTO and any other leave. The Request for Days Off form must specify the exact combination of time the employee wishes to use.
3. Officers desiring to use Leave Time for part of any given shift may request the time off on that particular day, however, it will be to the employee's benefit to request the time off a day or two in advance.

(b) Notifications:

1. For immediate situations, employees are encouraged to notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work.
   (a) At a minimum, employees should make such notification no less than one-hour before the start of their scheduled shift.
   (b) If an employee is unable to personally contact the supervisor in the case of an extreme emergency, every effort should be made by the employee to have a representative contact the supervisor as soon as possible.
2. No benefits, paid or unpaid, will be extended to the employee, such as Short Term Disability Leave, Family Medical Leave or Long Term Disability benefits, unless the employee complies with policy. An employee's failure to obtain approval of an

unscheduled absence may result in a loss of benefits or disciplinary action up to and including termination.

3. When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee should, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.
4. Emergency leave will be handled within the guidelines set forth in the West Valley City Personnel Manual.

1014.3 EXTENDED ILLNESS

Employees absent from duty on sick leave in excess of three successive work days may be required to produce a physician's statement. If there is reason to believe that an employee is abusing sick leave, a supervisor may require an employee to produce a physician's statement regardless of the number of sick hours used.

If a physician's statement is requested, the employee may not return to work, and will be required to use their accrued leave time, until they bring the physician's note to the requesting supervisor or the Human Resources Department.

1016 - Infectious Disease and Exposure

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. This policy will offer direction in achieving the following goals:

(a) To manage the risks associated with blood borne pathogens, aerosol transmissible diseases and other potentially infectious substances.

(b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).

(c) To protect the privacy rights of all personnel who may be exposed to or contract a communicable disease during the course of their duties.

(d) To provide appropriate testing, treatment and counseling should an employee be exposed to a communicable disease.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Bodily fluids - Includes amniotic fluid, pericardial fluid, peritoneal fluid, pleural fluid, synovial fluid, cerebrospinal fluid, saliva, semen and vaginal secretions and any bodily fluid visibly contaminated with blood.

Communicable disease - Human Immunodeficiency Virus (HIV) infection, acute or chronic Hepatitis B infection, Hepatitis C infection and any other infectious disease designated by the Labor Commission.

Significant exposure - Exposure of the body of one person to the blood or bodily fluids of another person by, including:

(a) An injury to the skin, including a needle stick or cut.

(b) Contact with an open wound, mucous membrane or non-intact skin because of a cut, abrasion, dermatitis or other damage.

(c) Exposure that occurs by any other method of transmission that is defined by the county Department of Health as a significant exposure.

Source person - The person who was the source of a blood or bodily fluid exposure.

1016.2 SUPERVISOR RESPONSIBILITIES

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with their Bureau Chief and the affected employees to ensure that the proper exposure control procedures are followed.

1016.2.1 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids, such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious.

1016.2.2 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair of disposable latex or nomex gloves; keeping a box in the car is recommended.
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at the emergency site; keeping several alcohol wipes in the car is recommended.

The protective equipment is to be kept in each police vehicle, and should be inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift.

1016.2.3 IMMUNIZATIONS

All personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate immunization.

1016.2.4 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where the potential for an exposure exists.

1016.2.5 EXPOSURE DETERMINATION

Department personnel should reasonably anticipate exposure to blood, bodily fluids and other

potentially infectious material while involved in, but not limited to, the following tasks:

(a) Provisions of emergency medical care to injured or ill patients

(b) Rescue of victims from hostile environments;

(c) Extrication of persons from vehicles, machinery, or collapsed evacuations or structures

(d) Recovery and/or removal of bodies from any situation cited above;

(e) Response to hazardous material emergencies, both transportation and fixed cite related, involving potentially infectious substances; and

(f) Police activity involving disorderly and/or violent individuals

Exposure to blood, bodily fluids and/or other potentially infectious substances are likely in the performance of the following job classifications:

- Police
- Special Functions Officer
- Forensic Personnel
- Evidence Personnel

1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to disposal and decontamination after responding to an event that involved contact with a person's blood or bodily fluids.

1016.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leak-proof, red in color, appropriately labeled with a biohazard warning, and routinely emptied.

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound), shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that take place in the station shall be done in the designated cleaning or decontamination area. Washing shall not be done in the kitchen, bathrooms or other locations that are not designated as a cleaning or decontamination area.

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel should avoid handling sharps (needles) with their hands. Utah OSHA recommends a tool, such as tongs, pliers, dust pan and broom or similar devices should be used. Whenever practical, this method should also be used while assisting a paramedic or collecting sharps for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is required, a tool should also be used. If a tool cannot be used, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device, such as tongs or a broom and a dustpan to clean up debris. If the material must be handheld, protective gloves must be worn.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the biohazard waste container, placing the gloves in with the waste when through.

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any personal protective equipment that becomes punctured, torn or loses its integrity shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, the procedures in this policy shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included with the waste.

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or police station for proper cleaning and disinfecting. Porous surfaces, such as nylon bags and straps, shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathroom or other areas not designated as a cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants, such as vomit, feces or blood clots should first be removed using a disposable towel or other means to prevent direct contact, and properly disposed.

1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing, such as uniforms and undergarments, shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the supervisor. The supervisor will secure a dry cleaner that is capable of cleaning contaminated clothing, and will inform the dry cleaner of the potential contamination. This dry cleaning will be done at the department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1016.3.9 DECONTAMINATION OF THE STATION AND CLEANING AREA

Members may decontaminate themselves and any equipment at any Fire Station.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee.

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

Any employee who believes that he/she has been significantly exposed to the bodily fluids of another shall submit a first report of injury/exposure and notify the on-duty supervisor. The employee's report shall be submitted by the end of the shift during which the incident occurred, or as soon as practicable, but not to exceed three days from the incident. If a source person is receiving medical treatment, the exposed employee should complete a first report of injury/exposure and give a copy to an authorized person at the medical facility; this will allow the source person to be tested through the medical facility if the source person consents.

When the person to whom the employee was significantly exposed receives medical treatment, it is the responsibility of the exposed employee to complete a first report of injury/exposure and ensure that a copy is delivered to an authorized person at the medical facility at the time of treatment.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every significant exposure that occurs as soon as possible following the incident, and ensure that the exposed employee completes a first report of injury/exposure.

The supervisor shall use the above information to prepare a written summary of the incident and its causes, and recommendations for avoiding similar events. This report will be provided to the Bureau Chief and to the City's Risk Manager.

Medical facilities rendering aid to the source person may obtain consent for communicable disease testing. If the source person was taken to a medical facility for treatment, the supervisor shall do the following:

(a) Ensure a copy of the exposed employee's first report of injury/exposure form is completed as soon as possible.

(b) Ensure a copy of the first report of injury/exposure is delivered to the medical facility where the source person is being treated.

(c) Remain in contact with the medical facility to learn whether consent was given and a blood sample was taken.

(d) Report these results in the written summary.

(e) Ensure that the Bureau Chief and the City’s Risk Manager are notified of the incident.

1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who experiences a significant exposure or suspected significant exposure should be seen by a physician (or qualified health care provider) as soon as possible. The blood of the exposed employee shall be tested. If possible, the blood of the source person shall also be tested.

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source's test results.

The health care professional should provide Human Resources and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee
- If the employee received a post-exposure treatment
- Confirmation that the employee received the evaluation results
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for professional counseling and consultation.

1016.4.5 CONFIDENTIALITY OF REPORTS

Human Resources shall ensure that all records and reports are kept in the strictest confidence. Any person receiving test results of another must keep the results confidential. Failing to keep the information confidential is a violation of policy and may result in criminal prosecution.

1016.4.6 TESTING COMPLIANCE

It will be the responsibility of Human Resources to ensure that the process for disease testing as set forth in Utah Code 78B-8-402 for either obtaining consent or a court order is promptly initiated when applicable. If consent for testing is not obtained from the source, the Human Resources should contact City Counsel and proceed with a petition for a court order for testing.

1018 - Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in West Valley City Police Department facilities or vehicles.

1018.2 POLICY

The West Valley City Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the West Valley City Police Department to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

The term “smoking” includes the use of e-cigarettes. “E-cigarette” means any electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or under any other product, name, or descriptor.

1018.3 EMPLOYEE USE

Tobacco use by employees is prohibited any time employees are in public view, engaging in the performance of their regular duties, or representing the Department.

Smoking is not permitted inside any City facility, office or vehicle (Utah Code 26-38-3).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any public building (including any department facility), all enclosed indoor places of public access, or any buildings where restrictions on use of tobacco products are posted or notice of tobacco use restrictions is provided by other means, whether present for training, enforcement or any other purpose.

1020 - Personnel Complaints

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of the Department. It is also the purpose of this procedure to identify training needs and performance and evaluation issues. Performance and evaluation issues are distinct from disciplinary records.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any Department employee that, if true, would constitute a violation of any Department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a Department supervisor and shall not be considered complaints.

Personnel Complaints shall be classified as Internal Complaints or External Complaints.

Internal Complaints are initiated by an employee of the Department. In addition, any discipline issued to an employee will be entered as an internal complaint.

External Complaints are initiated by someone not employed by the Department.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel Complaint Forms will be maintained by the Department and made available to the public upon request to include via mail, or e-mail.

1020.2.2 SOURCE OF COMPLAINTS

(a) A Department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) All complaints, including anonymous complaints and third-party complaints, shall be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Watch Commander or Section Lieutenant determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of any Department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained, and the person should be provided with a Personnel Complaint Form.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present, and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 COMPLAINT DOCUMENTATION

Complaints of alleged misconduct shall be documented by a supervisor in BlueTeam. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

When a Personnel Complaint Form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of the original complaint.

The complainant shall be provided a copy of the original complaint upon request. Complaints received in a manner other than in person shall be sent acknowledgement of the receipt of the complaint if the complainant’s contact information is known. If an investigation into the complaint has not been concluded within 45 days after the complaint was received, the complainant shall be informed in writing, electronically or by telephone regarding the status of the complaint

1020.2.5 PERSONNEL COMPLAINT INVESTIGATIVE RESPONSIBILITY

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee’s supervisor, depending on the seriousness of the complaint. The Chief of Police or authorized designee may, however, direct that another supervisor investigate. Examples of these complaints include, but are not limited to discourtesy, improper use of equipment, failure to take proper action, and driving complaints.

Serious allegations require investigation by the Internal Affairs and Inspections Bureau. These investigations include but are not limited to improper exercise of police authority, misconduct pertaining to alcohol, drugs, or sex, civil rights violations, discrimination and criminal conduct. All investigations may be assigned at the discretion of the Chief of Police or the Internal Affairs and Inspections Bureau.

1020.3 SUPERVISOR RESPONSIBILITY

The supervisor shall be responsible for the following.

(a) A supervisor receiving a complaint involving allegations that are serious nature shall ensure that the Internal Affairs and Inspections Bureau is notified as soon as practicable.

(b) A supervisor receiving or initiating any personnel complaint shall collect and document as much information as possible.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
2. Collection of police reports, witness statements, photographs, and any other relevant documentation should be included.

(c) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Chief of Police and the Human Resources Department for direction regarding each of their roles in investigation and/or addressing the complaint. The Chief of Police will make other appropriate notifications.

1020.4 ASSIGNMENT TO MODIFIED DUTY

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may assign the accused employee to modified duty pending completion of the investigation. A sworn employee may have his/her law enforcement authority suspended at the direction of the Chief of Police during the course of the investigation.

An employee may be placed on administrative leave at the discretion of the Chief of Police.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Department identification, assigned weapon(s) and any other Department equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift during the duration of the investigation. The employee may be required to remain available for contact at all times during such shift, and shall report as ordered.

(e) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned. In the event the administrative

investigation has not received a final adjudication from the Chief of Police, the employee may be assigned to modified duty until a final disposition has been reached.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of the Department is accused of criminal conduct, a separate supervisor, detective, or outside agency shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may be suspended until the criminal investigation has been completed and reviewed by the appropriate prosecuting attorney.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian. The employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, regardless of whether there has been a conviction. However, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report. In accordance with this policy, an independent administrative investigation shall be conducted based upon the allegations in the report.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or a member of the Internal Affairs and Inspections Bureau, the following procedures shall be followed with regard to the accused employee(s).

(a) Interviews of accused employees shall be conducted during reasonable hours. If the employee is off-duty, the employee shall be compensated.

(b) Prior to any interview, an employee shall be informed of the nature of the investigation verbally or in writing.

(c) All interviews shall be for a reasonable period. The employee's personal needs shall be accommodated.

(d) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.

(e) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee, if they request it, prior to any subsequent interview.

(f) All employees subjected to interviews that could result in discipline from Category C, D, or E of the Discipline Matrix shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(g) All employees shall provide complete and truthful responses to questions posed during interviews.

(h) An employee may be requested to provide a written account of the incident under investigation in lieu of or in addition to an interview.

(i) If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed.

(j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1020.6.1 ADMINISTRATIVE SEARCHES

An employee of the Department may be administratively ordered to submit to a blood, breath or urine test for alcohol and drugs under any of the following circumstances.

- When the employee, whether on- or off-duty, is involved in a shooting or police-related death.
- When the employee is involved in an injury or fatal accident while on-duty.
- When the employee is involved in an injury or fatal accident while operating any City owned vehicle whether on- or off-duty.
- When there is reasonable suspicion the employee is under the influence of drugs or alcohol while on-duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties, or if the employee is assigned to or being considered for a special assignment with a potential for bribes.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Department members are to be aware that any issued or assigned Department property (e.g. desks, offices, cabinets, lockers, vehicles, etc.) is subject to search by the Department and/or City; no expectation of privacy exists relating to these items or areas.

1020.6.2 ADJUDICATION OF COMPLAINTS

(a) Upon receipt of the completed investigation, the involved employees Deputy Chief shall:

1. Complete the adjudication within eight working days of receipt of the case file.

2. Forward the adjudication and investigation to Internal Affairs via BlueTeam.

(b) The Professional Standards Review Board (PSRB) shall:

1. Review the file and, if in agreement with the Deputy Chief's recommendations, forward the adjudication and investigation to the Chief of Police.
2. If not in agreement with the recommendations, the PSRB will compile an alternate recommendation.
3. Upon completion of the review/alternate recommendation, forward to the Chief of Police.

(c) The Police Chief shall:

1. Review the file and accept or modify the findings and recommendation(s) for disciplinary action.
2. If applicable, a written notice of pre-disciplinary hearing, that includes the time, date, location, and explanation of the allegations, any evidence, and the basis for possible disciplinary action will be prepared and delivered to the employee. The employee shall be provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
3. The subject employee will be given an opportunity to respond orally or in writing to the Chief of Police within five (5) days of receiving the notice.
   a) Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
   b) If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.
4. Complete the final disposition and notify the subject employee.
5. If any of the following violations are sustained, the Chief of Police shall ensure that the allegation is reported in a timely manner to POST for determination of suspension or revocation of the involved officer's POST certification under Utah Code § 53-6-211. Such reporting is required even if the officer resigns.
   a) Willfully falsifying any information to obtain POST certification.
   b) Being addicted to alcohol or any controlled substance, unless the employee reports the addiction to the Department and to the Director of POST as part of a Department early intervention process.
   c) Engaging in conduct which is a State or Federal criminal offense.
   d) Refusing to respond, or failing to respond truthfully, to questions after having been issued a warning based on Garrity v. New Jersey, 385 U.S. 493 (1967).
   e) Engaging in sexual conduct while on-duty.
   f) Being unable to possess a firearm under State or Federal law.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve Department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within 30 days following the discovery of the allegation, unless such investigation requires a reasonable exception under the circumstances. Requests for extension may only be approved by the Chief of Police. The complaint will require additional time for adjudication, PSRB review and final disposition by the Chief of Police.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings. It will not disclose the amount of discipline, if any imposed.

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential, private and/or protected peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process (Utah Code, Title 63G Part 2).

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation, and such false

representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

1020.9 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This employee response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.

(f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the imposed discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing a final disciplinary finding. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

1020.10 RETENTION OF PERSONNEL COMPLAINTS

Any record relating to a Personnel Complaint shall be retained in accordance with Utah State Law, Utah General Retention Schedule, and the West Valley City Retention Schedule. The West Valley City Police Department has the authority to retain records longer than is proscribed by the retention schedule.

CALEA Standard(s): 4.2.1, 4.2.2, 4.2.4, 26.1.4, 26.2.1 and 41.2.2

1021 – Use of IAPro and BlueTeam Software

1021.1 PURPOSE AND SCOPE

To establish a procedure for using the IAPro and BlueTeam software in accordance with Professional Standards Bureau requirements.

In order for statistics in IAPro to be up to date and complete, there must be uniformity in entering information into the BlueTeam program by employees and supervisors. Employees will enter data regarding employee-involved traffic accidents, uses of force, vehicle pursuits, firearm discharges, internal complaints, and external complaints into the BlueTeam program. The information entered will be reviewed through the chain of command.

When an incident occurs, information about the incident will be completed and entered by the involved officer and sent to the appropriate supervisor. It will then be forwarded to the subsequent Watch Commander or Section Lieutenant via BlueTeam. The Watch Commander or Section Lieutenant (or civilian equivalent) will review the incident and forward it to their Deputy Chief or Executive Director for review. After the Deputy Chief or Executive Director reviews the information, incidents will be forwarded in IAPro.

1021.2 PROCEDURE

1021.2.1 BLUETEAM ENTRIES

BlueTeam software shall be utilized by employees for documentation of employee-involved traffic accidents, uses of force, vehicle pursuits, firearm discharges, internal complaints, and external complaints.

Initial BlueTeam entries shall occur on the date of the incident. Initial entries for internal/external complaints shall be entered on the date a supervisor is notified of the complaint. Exceptions must be approved by a supervisor.

(a) **Use of Force Incidents** - All use of force, firearm display and conducted energy weapon display incidents will be entered into BlueTeam by the employees and forwarded to their supervisor. A display of force occurs when a tool is out and directed towards a subject AND commands are being given by the officer, or any other officer, for the purpose of influencing the subject's actions.

1. Physical Force
   - Reportable physical force is the application of any physical techniques or tactics on another person when the other person is not voluntarily submitting to being searched, handcuffed, restrained or moved.
2. O.C. Spray
3. Taser display/discharge
4. ASP or other approved impact weapons

5. Less than lethal force or equipment/munitions
6. K-9 display/bite
7. Firearms display/discharge
8. Tire deflation devices

(b) **Traffic Accidents** - Any traffic accident which involves a Department vehicle.

(c) **Vehicle Pursuits** - Pursuits involving West Valley City Police Department vehicles or officers taking police action under the authority of the West Valley City Police Department.

(d) **Firearm Discharges** – Any firearm discharge to include firing at a person, at an animal or accidental discharge.

(e) **Internal and External Complaints** – Any complaint received or initiated by a supervisor in accordance with Policy 1020, Personnel Complaints.

All entries for the above-referenced incident types shall be complete, forwarded through the appropriate chain of command and submitted to IAPro within 30 days of the incident.

1021.2.2 IAPRO SOFTWARE

IAPro is a Records Management Software utilized by the Professional Standards Bureau and staff granted authorization for access.

(a) No person shall attempt to access or use IAPro who has not been given the authority or right of access through the Professional Standards Bureau or the Office of the Chief.

(b) No authorized user shall allow anyone to utilize their password or sign on information.

(c) All reports and documentation entered into or retrieved from IAPro shall be considered confidential and shall not be published or disseminated without the approval of the Professional Standards Bureau or Office of the Chief.

1021.2.3 IAPRO ADMINISTRATOR

The IAPro Administrator is responsible for the maintenance and setup of the software, to include the following duties:

(a) Set user passwords and levels of access authority for authorized users.

(b) The software Administrator may not set up or change any access authority levels without prior approval from the Chief of Police or the Chief's designee.

1022 – Seat Belts

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in Department or City vehicles (Utah Code 41-6a-1803).

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately-owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger any member or the public. Members must be prepared to justify any deviation from this requirement.

1022.2.1 EXCEPTION AND EXCLUSION

It is the intent of this policy that all employees wear seat belts whenever possible. However, there are circumstances in which use of seat belts and/or restraining devices may hamper efficient conduct of police functions. Department supervisors may grant an exception to this policy for specific situation in which they deem efficiency of operations outweighs the safety benefit. Sworn officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seat belt would hinder rather than increase safety. The officer must be able to articulate and support any reasons for exception in wearing safety restraint/seat belts.

Any exception is to be used in conjunction with all relevant existing departmental policies, procedures, rules and regulations.

1022.3 TRANSPORTING CHILDREN

A passenger of a police vehicle younger than 8-years of age shall be secured using a child restraint device in the manner prescribed by the manufacturer of the device (Utah Code 41-6a-1803(1)(a)(ii)). A passenger under 8-years of age who is 57-inches tall or taller is exempt from the requirement to be in a child restraint device and shall use a properly adjusted and fastened safety belt as required for passengers 8-years of age and up to 16-years of age as described below (Utah Code 41-6a-1803(1)(b)).

A passenger of a police vehicle 8-years of age and up to 16-years of age shall be secured in a properly adjusted and fastened safety belt (Utah Code 41-6a-1803(1)(a)(iii)).

Rear-seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child restraint system or booster seat may be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and child restraint system manufacturer's

design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side airbag should be deactivated. In the event this is not possible, officers should consider arranging for alternative transportation.

1022.4 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.5 INOPERABLE SEAT BELTS

No person shall operate a Department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff that shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1024 – Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the West Valley City Police 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.

1024.3 ISSUANCE OF BODY ARMOR

The Training Section Lieutenant shall ensure that body armor is issued to all officers when the officer begins service at the West Valley City Police Department and that, when issued, the body armor meets or exceeds the most current standards of the National Institute of Justice.

The Training Section Lieutenant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers shall wear body armor anytime they are engaged in pre-planned, high-risk situations to include, but not limited to:

1. Planned search warrant service where there is a likelihood of encountering a suspect(s) or other persons.
2. Enforcement operations conducted by specialized units such as the Vice Narcotics Unit, Special Investigations Unit, Community Response Unit, Crime Suppression Unit and officers assigned to multi-agency task forces.
3. Situations appropriate for the use of Crisis Response Teams as defined in § 408.8.2.
4. Any situation where there is an increased risk to officers and citizens in pre-planned Department operations.

(d) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(e) Body armor shall be worn when an officer is working in uniform or taking part in Department firearms training.

(f) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other

circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1024.4 TRAINING UNIT RESPONSIBILITIES

The Training Unit will:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor and proper fit during annual inspections.

(d) Mandate current body armor be worn by employees and inspected by the Training staff or designee at the annual firearms qualification.

1026 - Peace Officer Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of the Department to maintain the confidentiality of peace officer personnel records pursuant to Utah Code 63G-2-302 and 63G-2-304.

1026.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history or similar information.

(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.

(c) Election of employee benefits.

(d) Employee advancement, appraisal or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated or observed, and that pertain to the manner in which the officer performed official duties.

(f) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department file - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

Section file - Any file which is separately maintained internally by an employee's supervisor within an assigned section for the purpose of completing timely performance evaluations.

Supervisor Spillman log entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of the Department.

Training file - Any file which documents the training records of an employee.

Internal affairs files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical file - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Utah Code 63G-2-302 and 63G-2-304, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to discovery procedures or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

All requests for the disclosure of any information contained in any peace officer personnel record shall be promptly brought to the attention of the Office of the Chief.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates or otherwise discloses the residence address or telephone number of any employee of the Department may be guilty of a class B misdemeanor (Utah Code 63G-2-801).

The disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any, was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours, and will submit such a request to the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why

the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the Department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal Affairs investigations if the employee access could jeopardize or compromise the investigation pending its final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee.

1026.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1026.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

(b) Disciplinary action;

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's Department file at least two years.
2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's Department file at least three years.
3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's Department file, but will be separately maintained for the appropriate retention period in the Internal Affairs file.

(c) Adverse comments, such as supervisor Spillman log entries, may be retained in the Department file or section file for a period of up to three years only after the employee has had the opportunity to read and initial the comment.

1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comments within 30 days.
2. Any such employee response shall be attached to and retained with the original adverse comment.
3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(d) Commendations shall be retained in the employee's Department file, with a copy provided to the involved employee(s).

(e) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.

(f) A photograph of the employee.

1026.7.2 SECTION FILE

The Section File should contain, but is not limited to, the following:

(a) Supervisor Spillman log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely performance evaluations.

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
2. Duplicate copies of items that will also be included in the employee's Department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
3. Once the permanent Performance Evaluation Form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the section file.

1026.7.3 INTERNAL AFFAIRS FILE

The Internal Affairs file shall be maintained under the exclusive control of the Professional Standards Bureau in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Internal Affairs and Inspections Bureau. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition.

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
2. Each investigation file arising out of a formal citizen's complaint or involving discriminatory harassment/hostile work environment shall be maintained no less than five years. Investigation files arising out of other internally generated complaints shall be maintained no less than two years.

(b) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee's career.

1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide in a timely manner the Training Lieutenant or immediate supervisor with evidence of completed

training/education.

(b) The Training Lieutenant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to, the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.

(e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.8 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

1026.8.1 DEFINITIONS

Brady Material - In the *Brady v. Maryland* decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to any District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

1026.8.2 RELEASE OF PERSONNEL FILES TO A PROSECUTING ATTORNEY

The only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files classified as private records under the Government Records Access and Management Act is when it is investigating the conduct of an officer or this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer's or a specific investigation of the Department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the District Attorney or Grand Jury. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to a court order (Utah Code 63G-2-202(7)).

1026.8.3 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:

(a) The District Attorney shall be notified of the potential presence of Brady material in the officer's personnel file.

(b) The District Attorney should file a motion in order to initiate an in camera review by the court.

(c) The subject officer(s) shall be notified in writing that a motion has been filed.

(d) The employee responsible records in question shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether any material contained in the file is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant Brady material contained in the file(s), only that material ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records shall request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

1030 – Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of the Department may include, but is not limited to, the following:

- Superior handling of a difficult situation by any employee of the Department.
- Conspicuous bravery or outstanding performance by any employee of the Department.
- Any action or performance that is above and beyond the typical duties of an employee.

1032 – Fitness for Duty

1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of the Department remain fit for duty and able to perform the job functions.

1032.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each employee of the Department to maintain good physical condition sufficient to safely and properly perform essential duties of their position. Sworn officers will be tested regarding their physical ability to perform essential job functions annually.

(b) Each employee of the Department shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem, and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Watch Commander or employee's available Section Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police and any other supervisor who is made aware that an officer may have a physical or mental disability affecting the officer's ability to perform his/her duties shall investigate the allegation (Utah Code 53-6-211(6)).

(f) The Chief of Police or a designee shall ensure that any allegation that an officer has a physical or mental disability affecting the officer's ability to perform his/her duties is reported to Utah Peace Officer Standards and Training (POST) when the allegation is found to be true. This applies even in those instances where an employee resigns or is terminated (Utah Code 53-6-211(5), (6)).

(g) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1032.4 NON-WORK-RELATED CONDITIONS

Any employee suffering from a non-work-related condition which warrants a temporary relief from duty may be required to use paid time off (PTO) or other leave time in order to obtain medical treatment or other care.

1032.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander, Section Commander or unit supervisor, any employee whose actions or use of force in an official capacity result in death or serious injury to another will be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with related policies.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 FITNESS FOR DUTY EVALUATIONS

Fitness for duty medical evaluations may be performed under any of the following circumstances:

(a) Return to work from injury or illness.

(b) When a supervisor determines there is a direct threat to the health or safety of the employee or others.

(c) In conjunction with corrective action, performance or conduct issues or discipline.

(d) When it is a bona fide occupational qualification for selection, retention or promotion.

1032.7 LIMITATION ON HOURS WORKED

Under normal operating circumstances, officers should not work more than:

- 16 hours in a one-day (24-hour) period or
- 30 hours in any two-day (48-hour) period or
- 84 hours in any seven-day (168-hour) period

Except in very limited circumstances officers should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any employee who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, combination of on-duty and off-duty work and any other work assignments.

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Conduct Policy (Policy § 340).

1034 - Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible, shall conform to the policy governing all City employees that has been established by the City Manager.

1034.1.1 MEAL PERIODS

Sworn employees shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Valley Emergency Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City or with the approval of a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed of 45 minutes per 10 hour shift.

1034.1.2 BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break shall be taken during each 4-hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios.

Break periods may not be accumulated to accommodate a shorter work day or longer lunch period.

1035 – Lactation Breaks

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1035.2 POLICY

It is the policy of this Department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her infant nursing child for up to one year after the child's birth.

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk. In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding the regularly scheduled break time will be unpaid.

Employees desiring to take a lactation break shall notify Valley Emergency Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if it would seriously disrupt Department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied, and that the employee has a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

1036 - Time Card Procedures

1036.1 COMPENSATION POLICY

Compensation guidelines that comply with the Fair Labor Standards Act (FLSA) and West Valley City policy.

1036.1.1 DEPARTMENT EMPLOYEES NOT COVERED BY FLSA

Fair Labor Standards Act (FLSA) (29 USC S213 (2) (1) OR 29 CFR Part 541). Department employees who meet the requirements of "executive", "administrative", or "professional" exemptions are exempt from FLSA minimum wage and overtime requirements. The following employees meet that criteria:

- Police Chief
- Deputy Police Chiefs
- Executive Director

For the purpose of FLSA, Volunteers are not considered employees.

1036.2 TIME CARDS

The time card is an official report and will be submitted by the employee ~~and~~ to his or her immediate supervisor. If the immediate supervisor is unavailable, the Section Lieutenant or field supervisor may approve the employee's electronic time card. Time cards are submitted to the Budget Manager on a bi-weekly basis for the payment of wages. Employees are responsible for:

- Completion of their own time card.
- The timely submission of time cards to supervisors.
- Accuracy in time reporting.
- Legibility

Time cards that are not submitted by the due date may not be paid in a timely manner and delay receipt of paycheck. Administrative Assistants and the Budget Manager will review time cards to ensure they are complete and accurate.

1038 - Overtime Payment and Compensation Policy

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime by payment of wages or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment Form as soon as practical after overtime is worked.

1038.1.1 DEPARTMENT GUIDELINE

For purposes of this policy the work week is defined as Saturday at 0001 hours to Friday at 2400 hours.

Because of the nature of police work and the specific needs of the Department, a degree of policy flexibility concerning overtime must be maintained.

All non -exempt, FLSA covered employees will be paid or will receive compensatory time at a rate of time and one-half for actual hours worked in excess of 40 hours per week.

Non-exempt employees are not authorized to volunteer work time to the Department.

All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift, and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one-hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

1038.1.2 HOLIDAY PAY

Mission essential personnel who are scheduled to work a holiday, may for the purposes of pay, use up to ten (10) hours of holiday time and submit hours worked. If this time qualifies, will be paid at time and one-half.

In essence, the employee may receive up to double time and one-half if they work a holiday and take the holiday time on the same day. This applies to "Mission Essential" personnel only and must be approved and reviewed by the immediate supervisor.

If employees use their Holiday hours on any day other than the actual holiday, they will not be entitled to count those hours as hours worked for overtime purposes. No other leave, including compensatory time, is to be considered as hours worked for the purpose of overtime.

Employees are encouraged not to use their holidays until the day of the holiday or after the holiday occurs.

1038.1.3 COMPENSATORY TIME

Employees who accrue more than 40 hours during any given work week may elect to take pay or compensatory time. Once the pay period has passed, employees may not convert from one pay type to the other.

- Compensatory time hours are accrued at either straight time or time and one half and follow the same guidelines as pay.
- Unused compensatory time will be paid at the employee's hourly rate of pay annually as directed by the City.

The Department reserves the right to manage compensatory time and direct employees to use compensatory time in the best interest of the employee, the Department and the City.

1038.1.4 TRAINING TIME

FLSA Training Rule:

(a) Attendance outside of regular working hours at specialized or follow-up training, which is required by law for certification of public and private sector employees with a particular governmental jurisdiction, does not constitute compensable hours of work for public employees within that jurisdiction and subordinate jurisdictions. 555.226(b)(1).

(b) The Department recognizes the importance of training and will adopt the following procedure in regards to training:

1. Supervisors will make every effort to schedule officers for training as part of their regular duty time, to include adjusting schedules during the work week.
2. Training attended as part of the normal 40 hour work week will be considered hours worked for calculation of overtime
3. Mandatory training is classified as training in which the Police Chief has issued a memorandum requiring attendance.
4. Training in excess of forty hours shall be compensated at straight compensatory time i.
5. Attendance at training must be pre-approved by a supervisor.
6. Travel time to a training location is only compensable under specific conditions and will need to be approved in advance with the Section Commander.

(c) Officers attending the Basic Police Academy will be compensated for 40 hours per week until graduation from Peace Officer Standards and Training.

1038.1.5 UNSCHEDULED TIME

Unscheduled, on-duty hours are compensable hours of work under the FLSA and may include:

(a) Court Time

(b) Time spent handling emergency situations after regular hours:

1. On-duty supervisor must be notified as soon as possible.

(c) Time spent after a regular shift to complete required work, must be pre-approved by a supervisor.

1. Failure to obtain pre-approval may result in discipline

Unscheduled time will be compensable only if it exceeds 20 minutes.

1038.1.6 ON CALL TIME

For the purposes of this section "on call" will be defined as: That time that an officer, because of a specific duty assignment or responsibility, is required to be placed on an "on call status" and there is an obligation on the part of the officer to respond when called.

(a) Department vehicles will be operated in accordance with Department policy.

(b) Section Commanders will oversee the administration of the on-call system to ensure fair and equitable participation within their sections.

(c) On call personnel will be compensated at the rate of five hours of straight comp time for the work week they are on call, regardless of whether or not they are called. Time must be submitted on time card.

(d) All time during which an on call employee has been called to duty shall be considered hours worked for purposes of calculating overtime.

1038.1.7 K-9 OFFICERS

Officers assigned to the K-9 unit will work a nine hour shift. The tenth hour will be for dog care and/or training and will count as hours worked for calculation of overtime.

1038.1.8 POSTING OF OVERTIME

Scheduled overtime will be posted with a detailed description of overtime compensation.

- Compensated by pay
- Compensated by choice of pay or compensatory time.

Signing up for overtime constitutes an agreement that the terms of the overtime are acceptable to the employee.

1038.2 REQUEST FOR OVERTIME PAYMENT FORMS

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Financial Operations Bureau. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1038.2.1 EMPLOYEE'S RESPONSIBILITY

Employees shall complete the request immediately after working the overtime and turn the request in to the immediate supervisor or the Watch Commander.

1038.2.2 SUPERVISOR'S RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, a minimum number of hours will be paid, (e.g., two hours for court). The supervisor will enter the actual time worked.

1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as illustrated below:

- 1 to 15 minutes worked - Indicate .25 hour on card
- 16 to 30 minutes worked - Indicate .50 hour on card
- 31 to 45 minutes worked - Indicate .75 hour on card
- 46 to 60 minutes worked - Indicate 1.0 hour on card

1038.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

1040 – Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1040.1.1 WEST VALLEY CITY PERSONNEL OUTSIDE EMPLOYMENT POLICY

The City Manager must approve all non-city employment of regular City employees. Prior to accepting "outside" employment, regular employees complete the "Application for Part-time Outside Employment" form and submit the form to the department head for approval.

The Department Head will then forward the form to the City Manager for approval. Approval is contingent upon the following terms and conditions:

(a) The outside employment must not interfere with the employee's ability to meet the City's work schedule, including reasonable callback and standby assignments.

(b) The outside employment must not be directly connected with nor contingent upon a representation that the employee is in any way representing the City, either directly or indirectly, unless the City Manager has specifically approved the activity in writing.

(c) Once approved by the City Manager, the Human Resource Office files applications for outside employment in the employee's personnel file.

(d) The City reserves the right to withdraw its approval for outside employment when deemed to be in the best interests of the City.

(e) Employees who engage in outside employment without City approval may be subject to termination.

(f) City employees may not use City vehicle in connection with outside employment, unless authorized

1040.2 OBTAINING APPROVAL

Outside Employment - Any employee of the Department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. The definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police or designee. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action. Any exception to obtaining written approval must be authorized by the Chief of Police or designee.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application, which shall be submitted to the employee's immediate

supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner. Permission will be renewed on a yearly basis.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

Outside employment must also comply with West Valley City policies.

Application for outside employment must include:

- Employer name
- Employer Address
- Type of Business
- Hours worked in and/or out of uniform

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at a full-duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's duties until the employee has returned to a full duty status.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Interferes with an employee's efficiency performance.

(b) Conflicts with the interests of the Department or the State of Utah.

(c) Gives reason for criticism or suspicion of conflicting interests or duties.

Employment in any service or security position in the following establishments are prohibited:

(a) Where alcoholic beverages are dispensed and/or consumed and are the main focus of business.

(b) Any business where any activity is of an illegal or gambling based nature.

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Due to the potential conflict of interest no member of this department may engage in any outside or secondary employment as an employee of a private security firm or as a private investigator.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a request to the Chief of Police or designee in advance of the desired service. Such outside overtime will be assigned and monitored through the Department.

(a) The applicant may be required to enter into an indemnification agreement prior to approval.

(b) The applicant may further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) may wear the Department uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of the Department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.5 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment that are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days regarding whether they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled employee returns to full duty with the West Valley City Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

1042 - On-Duty Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to Risk Management to ensure proper medical attention is received, and to document the circumstances of the incident.

It is the policy of the West Valley City Police Department to ensure an employee that is injured in the line of duty is given prompt and professional medical attention.

The City is also committed to ensuring that appropriate follow-up care is provided and that the employee is able to return to duty as soon as possible.

1042.1.1 CITY POLICY FOR WORK RELATED INJURIES AND/OR ILLNESS

All work-related injuries and/or work-related illnesses *will* be reported and handled per West Valley City Personnel Policies and Procedures Manual, Part 11, found on the West Valley City Intranet Website.

1042.1.2 TREATING AN INJURY

When injured, an employee shall immediately obtain necessary treatment from the City authorized care provider. If the condition is life threatening the employee should seek medical treatment from the nearest medical facility or call 911. Life threatening conditions may include unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning.

Once initial emergency medical treatment is given and the employee is physically able, the employee shall report to the City authorized care provider for follow-up treatment.

It is the responsibility of the employee to advise the emergency Medical Provider that the City will not be financially responsible for any follow-up treatment by such an emergency Medical Provider or by providers referred by the emergency Medical Provider, unless the follow-up treatment or referral has been approved by the City authorized care provider and by WCF.

1042.2 IMMEDIATE REPORT OF ON-THE-JOB INJURIES

In the case of all injuries sustained by an employee in the course of duty *immediately report the injury to an on-duty supervisor and to Human Resources either by telephone or email and electronic notification using the City's Intranet Reporting Forms.* The report to Human Resource shall be made **no later than 24 hours** following the occurrence of the injury. A claim is not deemed reported unless the employee notifies their supervisor and Human Resources.

The employee is responsible for follow up with Worker's Compensation Fund (WCF) and to speak to a claims adjuster to assure that the details of the injury are reported. If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall assure that the required reporting is completed.

In all cases, the ultimate responsibility for properly reporting a work-related injury is that

of the injure employee. Failure to properly and timely report an injury may result in the delay or denial of benefits, or in disciplinary action.

1042.2.1 ACCIDENT DEFINED

Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.2.2 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on-duty shall report such injury, illness or accident as soon as practical to his/her supervisor and Human Resources.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to periodically call in during absences as directed. Employees are to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions, if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1042.2.3 SUPERVISOR AND COMMAND RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall notify the Worker's Compensation specialist in Human Resources of the injury within 24 hours of the supervisor receiving notice of the injury.

All injuries will be noted on the daily State of the Watch report and critical incident notifications. Included in the critical incident notification will be the date, time and circumstance of the injury and when it was reported to Human Resources AND the health care facility where the employee was treated.

1042.3 RETURN TO WORK

(a) Immediately following initial treatment for a work-related injury the employee shall return to work for regular full duty ("Full Duty") unless directed otherwise by the treating authorized Medical Provider. The employee shall obtain a written return to work release

("Work Release") from the Medical Provider and shall report to the Human Resource Office before returning to the employee's regular place of work. The employee's supervisor shall verify that the employee has reported to the Human Resource Office before allowing the employee to return to the work site.

(b) If an employee is directed by the authorized Medical Provider to not return immediately to full duty, the employee shall immediately provide the Human Resource Office with a Physician's note that states:

1. The Medical Provider has directed the employee to not return to full duty.
2. The reasons for such direction and the prognosis of the injury.
3. The expected date and time the employee will be released by the Medical Provider to Transitional Duty and ultimately Full Duty.
4. The work restrictions the Medical Provider has placed on the employee.

1042.3.1 Mandatory Transitional Duty

(a) West Valley City Has an Aggressive Return to Work Policy.

(b) Transitional Duty is mandatory on the part of the employee and where practicable will be made available to all injured employees who, based on the authorized Medical Provider's opinion, are unable to return to Full Duty immediately following an injury. An injured employee shall be required to return to Transitional Duty immediately upon release to do so by the Medical Provider.

(c) The Following are the Responsibility of the Injured Employee:

1. Notify all Medical Providers or specialists who provide treatment for the work-related injury that Transitional Duty for the employee is available and that Transitional Duty is mandatory.
2. Provide a complete and accurate description of the employee's job description and regular work tasks to the Medical Provider or specialist to enable such provider or specialist to determine whether the employee will return to Full Duty or to Transitional Duty.
3. Assure that if return to Full Duty immediately following the work related injury is not approved by the Medical Provider, that written work restrictions ("Work Restrictions") are prepared by the Medical Provider in consultation with the employee and the City, and that such restrictions are provided to the Human Resource Office and to WCF at such time as the employee reports to the Human Resource Office for work.
4. Upon release to work by the Medical Provider for either Transitional Duty or for Full Duty, the employee shall immediately report to the Human Resource Office with a Work Release and any Written Restrictions from the Medical Provider. **The employee shall not return to the work site prior to reporting in person to the Human Resource Office.** The employee's supervisor shall verify that the employee has reported to the Human Resource Office and notified WCF. Supervisor shall confirm any work restrictions placed on the employee with the

Human Resource Office and shall review any work restrictions with the employee before allowing the employee to return to the work site.

1042.3.2 TRANSITIONAL DUTY ASSIGNMENTS

The Human Resource Office and the Department, shall determine the Transitional Duty in which the employee shall be required to participate until the employee is released to Full Duty, in writing by the authorized Medical Provider.

1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed.

1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an on-duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries, are not affected.

1042.5 WORKERS' COMPENSATION WAGE REPLACEMENT ("INDEMNITY BENFITS")

If an industrial injury or illness causes total temporary disability (i.e., the employee cannot perform any work tasks for the City) as verified by the authorized Medical Provider, the employee receives weekly wage replacement ("Indemnity Benefits") equal to 66 2/3% of the employee's weekly wages at the time of the injury, up to a maximum of the state weekly average, adjusted for eligible dependents. Holidays occurring during total temporary disability are taken in lieu of Indemnity Benefits. The Indemnity Benefit continues until the employee is released by the Medical Care Provider to Transitional, Full Duty or when the employee has reached Maximum Medical Improvement.

1042.5.1 WAITING PERIOD

(a) An injured employee does not receive Indemnity Benefits for the first three days after the injury occurs, unless the period of total temporary disability lasts more than 14 days.

(b) Employees must supplement Indemnity Benefits on a taxable basis, up to 100% of employee's regular wages. No employee may receive more than the equivalent of 100% of his or her regular wages, adjusted for taxes and deductions. Supplemental compensation may be generated by using any available leave.

(c) Employees who return to work in a full-time modified duty capacity receive 100% of their wages and benefits.

1042.6 FAILURE TO FOLLOW APPLICABLE LAW, POLICIES AND PROCEDURES

Failure by an employee to follow procedures for reporting and processing workers' compensation claims as required by state law and the Utah Labor Commission may result in the denial of a claim and/or in the loss of benefits by the employee. **Failure by an employee to follow program reporting policies, Transitional duty requirements, or any other law, policy or procedure related to the program shall result in employee disciplinary action up to and including termination of employment.** Employees are strongly encouraged to contact the Human Resource Office if questions should arise regarding the reporting, treatment, or processing of workers' compensation claims.

1042.7 SPORTS PLAY WHILE ON DUTY

(a) Certain sports play while on duty are prohibited due to a high number of injuries, which result from such activity.

(b) Activities specifically prohibited include:

1. Basketball
2. Football
3. One on one physical sporting activities
4. Other team sport activities.

(c) Activities that are permitted include:

1. Volleyball
2. Racquetball
3. Walleyball
4. Aerobic Exercise
5. Weight Training
6. Individual exercise performed on stationary equipment.

1043 – Line of Duty Serious Injury or Death

1043.1 PURPOSE AND SCOPE

The purpose of this policy is to define the assistance services to be rendered to West Valley City Police employees and/or their families following the employee's serious injury or death in the line of duty.

1043.1.1 CITY POLICY FOR WORK RELATED INJURIES AND/OR ILLNESS

All work-related injuries and/or work related illnesses will be reported and handled per West Valley City Personnel Manual found on the West Valley City Intranet Website.

1043.1.2 SERIOUS INJURY DEFINED

Serious Injury - Is defined a bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of any bodily member or organ.

1043.2 NOTIFICATIONS

If an employee learns of a serious physical injury or death of a fellow employee, he/she will immediately notify his/her supervisor or Valley Emergency Communications Center (VECC), depending on the circumstances. VECC will immediately notify emergency medical services and the on-duty supervisor. The supervisor will ensure that the Watch Commander and/or appropriate Bureau Chief is notified.

The Bureau Commander will notify the Chief of Police and the City Human Resources Department. The Bureau Commander will also have VECC notify the on-call Chaplain and the Peer Support Team.

1043.2.1 NEXT OF KIN NOTIFICATIONS

In cases of serious injury, the supervisor will assign an officer and/or Peer Support Team member to notify the employee's next of kin. Next of kin and notification preference can be found in the employee's personnel file. When possible, the officer and/or Peer Support Team member assigned should be acquainted with the injured employee's family. The officer and/or Peer Support Team member will remain with the next of kin to provide assistance with such things as further notifications, child care arrangements and transportation.

In cases of a death of a Department employee, the Chief of Police or his/her designee will assign a supervisor and an appropriate chaplain and/or Peer Support Team member to notify the next of kin. The assigned supervisor will remain with the next of kin to provide assistance as necessary.

For the purposes of this policy, next of kin includes (in order of notification preference) spouse or significant other, parents, children, other relatives.

1043.3 EMPLOYEE/FAMILY SUPPORT

In cases of serious injury, disability or death, a Peer Support Team member will be assigned to assist the employee and/or his/her family and will coordinate with the West Valley City Human Resources Department to ensure that the Department's insurance carriers are notified. The Human Resources Department will also assist in preparing all forms relating to the employee's death or disability. In the case of an employee's death the Peer Support Team member and Human Resources will coordinate with government agencies and fraternal organizations to ensure that all available benefits are forwarded to the employee's family.

When a serious physical injury or death is suffered as a result of a crime, the Peer Support Team member assigned to assist the employee and/or his/her family will works with the investigators assigned to the case to assist the family during the criminal proceedings.

The Peer Support Team member assigned to assist the employee and/or his/her family will maintain long-term contact with the employee and/or his/her family, to ensure their needs are being met.

1043.3.1 FUNERAL SUPPORT

In the case of the death of a current or retired employee, the Department may provide assistance to the employee's family during the funeral and burial. The nature and extent of that assistance (motor escort, transportation, honor guard, etc.) will be dependent on the circumstances of the employee's death (line of duty, off-duty, retired member) and will be approved by the Chief of Police. The Chief of Police may designate an officer or member of the Peer Support Team to assist the family with the approved arrangements.

APPROVED EXAMPLES

APPROVED EXAMPLES

NOT APPROVED EXAMPLES

Too long and doesn't follow natural arch of mouth

Doesn't follow the natural arch of the mouth and is not a full goatee

Not considered a full beard, doesn't follow natural arch of mouth

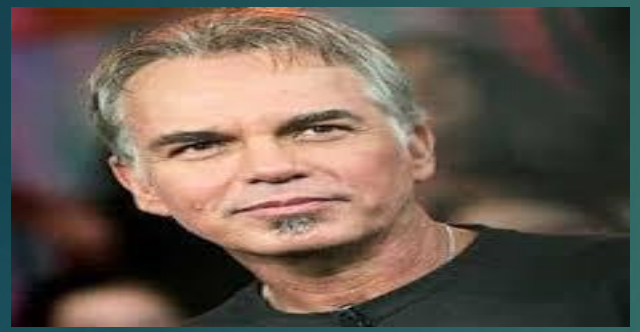
NOT APPROVED EXAMPLES

Too long and doesn't follow natural arch of the mouth

Patchy, spotty and neck beards are not allowed

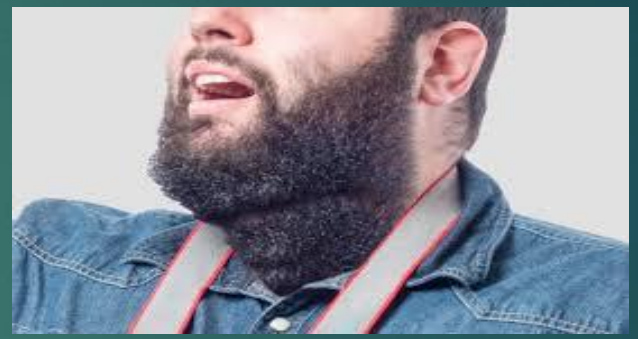
Designs are not allowed

NOT APPROVED EXAMPLES



Soul patches are not approved

Non-natural dyes are not allowed



Beards extending onto the neck are not allowed

1044 – Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, it is the policy of the Department that employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

Members shall present a clean and neat appearance at all times when representing the Department. Uniforms should be in good repair, conform to standards, and be pressed and clean at all times. Clean personal hygiene should be paramount to members when representing the Department.

1044.2.1 HAIR

Members shall have well groomed, neat and clean hair, styled in a manner that represents a professional image. Many styles are acceptable in the Department and the acceptability of the style will be judged by the criteria described below:

(a) Hair will not be extreme in appearance or color.

(b) Bulk or length of hair will not interfere with the wearing of all standard headgear.

(c) Wigs and hairpieces will conform to the standard haircut criteria. Male Officer in Uniform:

(d) Hair will not fall over the top of the ears and will not extend over the eyebrows.

(e) Hair must be above the collar line. Female Officer in Uniform:

(f) Length may be long or short

(g) Hair must be styled in such a manner that it does not hang in front of the face or hinder vision.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn.

Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend downward below the top of the earlobe and will be neatly trimmed. The base will be cleanly shaven and tapered and no more than 1" in width.

1044.2.4 FACIAL HAIR

Traditional full beards may be worn if they are well groomed and neatly trimmed at all times in order to prevent a ragged appearance. Full beards and goatees are authorized, but patchy, spotty clumps of facial hair are not considered beards and as such are not permitted.

Full beards are defined as facial hair that follows the natural arch of the mouth, extending just below the cheekbones, down under the chin and jawbone, with the neck remaining clean shaven. Other variations or partial beards are prohibited unless authorized by the Chief of Police or designee.

Officers may work during a "grow-in" period; however, officers are prohibited from repeatedly starting and stopping the "grow-in" period in an effort to maintain an unshaven look.

Facial hair may be no longer than 3/8 of an inch. Designs shaved or trimmed into facial hair are not permitted. Soul patches and non-natural dyes are not allowed.

Officers who are assigned an air-purifying respirator (APR) may not wear facial hair that interferes with a proper seal.

1044.2.5 FINGERNAILS

Fingernails will not extend beyond the tip of the finger, as they can pose a safety hazard to officers or others.

Fingernails will be well manicured and only clear or light nail polish will be permitted in uniform.

1044.2.6 JEWELRY AND ACCESSORIES

Safety should always be a consideration when wearing any jewelry in uniform. Jewelry should not impede the officer's ability to perform duty functions in a safe manner for both the officer and others.

Visible jewelry or other ornaments, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or designee.

(a) Wrist watch

(b) Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.

(c) Medical alert bracelet.

(d) Earrings - May be worn on the earlobe only and may not dangle from the ear. For safety, earrings are not allowed while in uniform.

1044.3 TATTOOS, BODY ART, BRANDS, OR DECALS

While on-duty or representing the Department in any official capacity, employees will comply with the City policy regarding tattoos, body art, brands and decals (West Valley City Policy, Part 7, E. 2. f). Officers with tattoos will wear assignment appropriate uniforms, clothing, or compression sleeves or bands (dark blue, black or tan in color) that conceal any and all body tattoos from public view.

1044.4 BODY PIERCING OR ALTERATION

Visible body piercing or alteration to any area of the body in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

1044.5 EXCEPTIONS

(a) Officers of the Department on special assignment, where their attire and hairstyle must be conducive to the nature of the assignment and clientele dealt with, are exempt from this policy for the duration of the assignment. For the purpose of this directive, the Police Chief will determine what constitutes a special assignment within the meaning and intent of this exception.

(b) The Police Academy Rules and Regulations regarding personal appearance govern police recruits.

(c) Exceptions to the facial hair and hair length provisions of this policy will be considered for those employees who, due to a religious belief or medical situation, are unable to comply with those sections.

1046 - Uniform Standards and Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the West Valley City Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated Policy Manual sections:

- § 700 - Department-owned and Personal Property
- § 1024 - Body Armor
- § 1044 - Grooming Standards

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of the Department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) All peace officers of the Department shall possess and maintain at all times a Class A dress uniform as specified below.

(d) All officers and employees, unless specifically exempted by the Police Chief, shall wear the prescribed uniform when on duty.

(e) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications.

(f) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(g) The uniform may be only worn off duty with the permission of the Chief of Police. If the uniform is worn off duty, the wearer will not engage in any activity which will reflect in a negative or discreditable way upon the uniforms, nor will the wearer be present in such places where the atmosphere may bring discredit upon the police service which the uniform symbolizes.

(h) Subject to certain regulations, the uniform may be worn while engaged in approved outside employment. Applications to perform outside employment in uniform (or in plainclothes) will be reviewed each year and must be properly approved.

(i) Employees are forbidden to purchase or drink alcoholic beverages while wearing any part of the Department uniform including the uniform pants.

(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform

unless specifically authorized by the Chief of Police or designee. Jewelry should not impede the officer's ability to perform duty functions in a safe manner for both the officer and others.

1. Wrist watch.
2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.
4. Earrings - May be worn on the earlobe only and may not dangle from the ear. For safety, earrings are not allowed while in uniform.

1046.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department-issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers may be excused from the possession and display requirements when directed by their Section Commander.

1046.2.2 OWNERSHIP AND TRANSFER OF UNIFORM

- All patches, insignia, badges, etc. bearing Department or city identification are owned by the Department and/or City, NOT by the employee. Prior to destruction, transfer of ownership, sale, donation or trade of any uniform bearing such identification, the employee shall ensure that all identifiable markings, owned by the Department and/or City, are removed and turned back into the Department or destroyed by means that ensure they cannot be used again.
- The uniform and its component parts are available from approved commercial sources.
- That part of the uniform personally owned by the officer or employee, if stripped of all identifying marks, insignia, etc., may be sold, given or transferred to another person.
- That part of the uniform personally owned by the officer or employee, if stripped of all identifying marks, insignia, etc., and not giving the appearance of a police uniform which might cause public confusion as to unlawful police authority, may be worn by a separated or retired officer or employee, or by any person to whom said uniform has been sold or given.
- The right of an officer or employee to dispose of his personally owned uniform applies to the uniform considered as clothing only. Nothing in these regulations shall absolve a person from the charge of impersonating an officer, if he wears the uniform in a way that tends to cause public confusion as to lawful police authority.

1046.2.3 UNIFORM ALLOWANCE

Officers and uniformed staff will receive a uniform allowance for the purchase of uniforms and equipment necessary for the performance of duty.

1046.3 SWORN AND NON-SWORN UNIFORM STANDARDS

Uniform specifications and standards are subject to revision by the Chief of Police. Any variation or deviance from uniform standard policy must be approved by the Chief of Police.

1046.3.1 BASIC UNIFORM STANDARDS

All sworn officer personnel, regardless of assignment, will keep and maintain in good condition, the standard uniform as specified below.

(a) Shirt: Department-approved long- or short-sleeved uniform shirt in LAPD/Navy blue with flat or pleated pockets. Brands authorized for use are Blauer, Elbeco and Flying Cross.

(b) Body Armor:
  1. Department-approved Body Armor Only.
  2. Mandatory for sworn officers in uniform.

(c) Under Shirt:
  1. Short
    (a) Not to hang below sleeve of uniform shirt
    (b) White, Dark Blue or Black T-shirt type with round neck line
  2. Long
    (a) White, Dark Blue or Black with round neck line
    (b) Turtle neck or long sleeve
    (c) Not to hang below sleeve of uniform shirt

(d) Pant: Department-approved uniform pants in LAPD/Navy blue. Brands authorized are Blauer, Elbeco and Flying Cross. Exterior cargo pockets are NOT authorized for the basic uniform pant.

(e) Footwear:
  1. Black in color, highly polished, plain toed, smooth leather
  2. The following styles will be authorized:
    (a) Black smooth leather oxford.
    (b) Black lace boot.
    (c) Black mid-height boot.
    (d) Athletic shoes will not be authorized

(f) Socks:

1. Black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under uniform pant.

(g) Safety Vest:

1. To be worn during traffic control and other incidents where high visibility is necessary for officer safety.

(h) Utility Coveralls (Optional):

1. Navy blue colored fine line twill coveralls.
2. 65% polyester and 35% cotton.
3. Two front breast pockets, butted zipper.
4. Waistband is to be partially shirred.
5. Two black patch pockets.
6. Cloth badge to be affixed to the left side breast
7. "West Valley Police" on back
8. Long or short sleeve

(i) Raincoat (Optional):

1. High visibility color with snap or zipper front closure
2. Slash pockets with grommets for badge
3. "Police" identification in bold letters on raincoat if possible
4. Slash in weapon side for access to weapon

(j) Winter Coat:

1. Navy blue coat/jacket.
2. Police style.
3. Affixed Department-issued cloth badge
4. Affixed Department-issued patches required.

1046.3.2 HATS AND CAPS

Dress Hat:

- Officers are required to own a dress hat.
- Optional for duty wear
- May be mandatory for certain events requiring a Class A uniform.
- Hat badge to be Department-issue only
- Navy blue officer's hat, round cap cover, summer frame with open can sides or winter frame style. Hat visor to be polished with black trim strap.
- Sergeants and Lieutenants hat visor to be polished with silver trim strap.
- Chief Officers will wear hat frame with silver embroidered visor and silver trim strap.

Utility Cap:

Standardized baseball cap:

- May only be worn with the basic daily duty uniform in inclement (rain or snow) weather and when the officer is exposed to extreme sun for periods of 15 minutes or longer.
- May be worn with the soft uniform, training uniform and special events uniform.
- May be worn with the motorcycle uniform when not actually operation the motorcycle. When operating the motorcycle the approve helmet must be worn.

Beanie:

- Black beanie for cold weather use.

1046.3.3 CLASS A UNIFORM STANDARDS

All sworn uniformed officers shall have a serviceable Class A uniform available at all times.

Class A Uniform:

(a) As listed in above policies 1046.3.1 and 1046.3.2:
   1. Long sleeve shirt
   2. Dress hat
   3. Black tie with plain silver tie bar
   4. Leather basket weave belt and duty gear
   5. Footwear approved for duty use highly polished
   6. Patches, Badge, Name Tag, Button Covers, Insignias and Service Stars

(b) Commendation Bars and Medals:
   1. All commendation bars will be of enamel construction and 1 3/8” by 3/8” in size. The surrounding color tone will be silver.
   2. Commendation bars will be worn over the right pocket flap with no more than three bars per row and centered. Subsequent bars will be worn over the first row in the same fashion.
   3. Multiples of the same commendation bar will be indicated by decorative bronze stars on that respective bar and should not exceed three stars.
   4. Commendation bars will be centered 1/8” above the name tag.
   5. Service stars should be worn centered 1/8” above the name tag.
   6. Name tag should be on top of the right pocket flap and 1/8” below commendation bars if commendation bars are worn. If commendations bars are not worn, then the name tag should be worn 1/8” above the right pocket flap.
   7. Commendation bars and medals may only be worn on the Class A uniform.
   8. All previously awarded honor ribbons may be worn on the uniform. However, honor

ribbons and enameled commendation bars may not be worn on the uniform at the same time.

9. The Medal of Valor is to be worn around the neck and draped over the front of the tie. No other medals will be worn around the neck.
10. All other medals, such as the Medal of Honor, Police Star and any other medal designated by the Chief of Police, will be worn on the right pocket flap and underneath the name tag.
11. Any previously awarded medals may be worn in the fashion in which they were received.

1046.3.4 SPECIALIZED UNIT AND ASSIGNMENT UNIFORMS

(a) Police Service Dog:

1. Navy blue BDU style uniform pant

(b) Solo Motorcycle:

1. Breeches cut to fit in the same style as the CHP pant stock #34337.
2. Breeches may be made from any of the materials approved for regular uniform trousers.
3. Motor officers are authorized to wear the Blauer colorblock knit short-sleeve shirt during regular duty assignments.
4. White ascot worn only by motorcycle officers when they ride motorcycles.
5. Department and safety approved Helmet
6. Authorized motor boot.
7. Leather/Motor Jacket may be worn only by motorcycle officers. Custom leather black motorcycle jacket.

(c) Bicycle:

The optional bicycle uniform is the same uniform as the Special Events Uniform (see §1046.3.4(g)) with the following exceptions:

1. Pants: In addition to the Blauer tactical trouser with stretch, navy in color, bicycle officers may also wear the Blauer tactical zip-off trouser with stretch, navy in color. The lower leg of the pant may only be worn zipped-off when the officer is riding a bicycle.

2. Shoes: If footwear with clipless pedals are to be utilized, shoes must still meet Department policy specifications.

3. Socks: White or black socks will be worn while wearing the bike shorts with this uniform. The socks will not rise above the lower calf.

4. Helmets: Must be Snell and ANSI approved. May be white or black. Contrasting white or black POLICE decal on the sides of the helmet. *Must be worn*

when operating the bicycle.

5. Gloves: Cycling gloves, black, full or half finger. *Must be worn when operating the bicycle.*

6. Eye Protection: Be within Department policy specifications. *Must be worn when operating the bicycle.*

7. Belt Gear: The nylon belt and gear must be worn with the bike uniform.

8. Body Armor: Officers will be required to wear Department-issued, or approved, body armor at all times while operating as a uniformed bicycle officer.

(d) Training:

1. Members of this Department will dress appropriately for all Department training.

   (a) Sworn members will wear the soft uniform, training uniform or business casual clothing to Department training unless other instructions are given by the Training Section or the Chief of Police.

   (b) Non-sworn members will wear their assigned uniform or business casual clothing to Department training unless other instructions are given by the Training Section or the Chief of Police.

2. The training uniform is designed to be worn by members of the Training Section, officers instructing Department training and is optional for officers attending Department training.

   (a) Shirt: Propper Ice Performance Polo, navy blue in color, with the Training Logo and the name and rank of the instructor. Officers assigned to the Training Section as their primary assignment may also wear the same shirt in gray.

   (b) Pants: Propper, 5.11 or Vertex tactical pant, tan or khaki in color. Officers assigned to the Training Section as their primary assignment may also wear the same pant in green.

(e) Soft Uniform:

1. The soft uniform may be worn as authorized by the Office of the Chief and/or on search warrants, call outs, crime scenes and special events where the wearing of the standard uniform or police jackets would not be practical.

2. The authorized shirt must meet the following specifications:

   (a) Shirt: Propper Ice Performance polo, dark navy in color.

   (b) Embroidered "POLICE" on both sleeves, centered, bottom edge, no taller than 5/8" and silver or gray in color.

   (c) Embroidered "POLICE" centered on the bottom edge, rear collar, no taller than 5/8" and silver or gray in color.

   (d) Rank and last name embroidered on the right chest, no taller than 5/8" and silver or gray in color.

(e) The Department-approved cloth badge will be sewn on the left chest.

(f) Pants: Propper, 5.11 or Vertex tactical pant, tan or khaki in color. Other pants only as approved by the Office of the Chief.

(g) Belt must be black or tan in color.

(h) Footwear must be black or tan in color and may be lace-up or mid-height boots or athletic shoes.

(i) Utility Uniform/Coveralls:

1. The utility uniform/coverall may only be worn as approved by a supervisor.
2. The utility uniform/coverall is not to be worn as casual daily attire.
3. The Department-approved utility uniform/coverall must be dark navy in color
4. The Department-approved shoulder patches will be sewn on both shoulders.
5. The Department-approved cloth badge will be sewn on the left chest.

(g) Special Events Uniform:

1. The Special Events Uniform may be worn by officers working special events outside of their primary assignments and is optional.

(a) Shirt: Blauer 8133-52, Performance Colorblock Polo, high visibility upper with dark navy lower.

(b) 3 ½" reflective "POLICE" on both sleeves, in large block lettering on the back of the polo.

(c) Embroidered "POLICE", in large block lettering no taller than 5/8" in dark navy thread, centered at the bottom edge of both sleeves.

(d) Last name embroidered on the right chest in large block lettering, no taller than 5/8" with dark navy thread.

(e) The Department-approved cloth badge with rank designation will be sewn on the left chest. No other rank designation will be worn on the shirt.

(f) Pant: Blauer 8823-04, tactical trouser with stretch, navy in color.

(g) Footwear: All black athletic style shoe or tactical style boots are approved.

(h) Duty Belt: Required to worn with this uniform and as specified in §1046.3.5.

(h) Command Staff Uniform

1. The Command Staff Uniform is only to be worn by the Chief of Police and the Deputy Chiefs of Police.
2. Shirt: Department approved long- or short-sleeved uniform shirt in white with flat or

pleated pockets. Brands authorized for use are Blauer, Elbeco and Flying Cross.

3. Shoulder Boards. Rank insignias will be denoted on shoulder boards rather than collar pins. Shoulder boards will be navy blue with silver stars.

4. Pant: Department approved uniform pant in LAPD/navy blue. Brands authorized are Blauer, Elbeco and Flying Cross. Exterior cargo pockets are NOT authorized for the Command Staff Uniform pant.

5. Shoes: Black with a high polish.

1046.3.5 DUTY BELT AND EQUIPMENT

(a) Duty Belt:

1. Leather Duty Gear
   - (a) Shall be black, basket weave, highly polished, and of the same brand.
   - (b) Buckle and metal snaps shall be silver.
   - (c) Velcro and concealed snaps are approved
   - (d) Keepers shall have snap or velcro closure
   - (e) Keepers will be the same
2. Optional Nylon Belt and Gear
   - (a) Bianchi AccuMold ONLY
   - (b) Velcro, black or concealed closures
   - (c) Keepers shall be the same

(b) Holster:

1. Black
2. Basket weave if leather
3. Will cover the trigger, and the trigger guard.
4. Will snap securely.
5. Will have acceptable weapon retention security advantages
6. The holster shall be officer's preference and need not be of the same brand as the other duty gear.

(c) Handcuffs and Case:

1. Department-approved Handcuffs only

(d) Radio and Case:

1. Black
2. Snap or Velcro retention strap
3. Department-issued radio

(e) O.C. Case:

1. Black
2. Snap or Velcro retention cover
3. Department-issued O.C. Only

(f) Impact Weapon Holder:
1. Approved ASP Holder
2. Department-issued or approved ASP

(g) Guns:
1. Department-issued weapon
2. Department-approved weapon

(h) Magazines:
1. Three Department-issued magazines for Department-issued weapons

(i) Ammunition:
1. Department-issued duty ammunition only

(j) Utility tool/Knife:
1. Optional utility tool and/or knife may be worn on belt
   (a) Must be in black case
   (b) Leather basket weave or Bianchi accu-mold.

1046.3.6 UNIFORM REGULATIONS FOR NON-SWORN PERSONNEL

All non-sworn employees, unless specifically exempted by the Police Chief, shall wear the prescribed uniform when on duty.

When the uniform is worn off-duty, such as to and from work, the wearer will not engage in any activity which will reflect in a negative or discreditable way upon the uniform. The wearer will not be present in such places where the atmosphere may bring discredit upon the police service which the uniform symbolizes.

Non-sworn employees in a Department-identifiable uniform will not act in any manner that causes the public or others to believe that he/she is a sworn officer. Non-sworn employees will correctly represent themselves as their assignment dictates.

(a) **Non-Sworn Records Personnel** - The non-sworn Records Section personnel uniform will consist of the following:
1. Shirt:
   (a) Department-authorized white button-down uniform shirt with long or short sleeves and name plate on right chest.
   (b) Department-authorized tactical polo shirt, navy in color, with embroidered Records “Scales” logo on upper left chest and last name embroidered on right chest in white block lettering.

2. Pants:
   (a) With white button-down uniform shirt Records Section personnel will wear department-authorized dark navy blue dress pant, plain or pleated.
   (b) With the navy tactical polo shirt Records Section personnel will wear tan or khaki Propper, 5.11, or Vertex tactical pants.
   (c) Belts worn with dark navy pants may be black or blue in color. Belts worn with tan or khaki pants will be black in color.

3. Skirt:
   (a) Dark navy blue dress skirt, knee length. May only be worn with white button-down uniform shirt.

4. Footwear:
   (a) Black or navy blue shoes or boots may be worn with the dark navy pants. Black boots or athletic shoes may be worn with the tan or khaki tactical pants.
   (b) No backless or open-toe shoes may be worn.
   (c) Black or navy blue heels may be worn with a skirt.
   (d) Socks or stockings will be navy blue or black in color.

5. Sweater (Optional):
   (a) Department-approved dark navy blue sweater
   (b) 100% acrylic
   (c) West Valley City embroidered in gold
   (d) SFKM Manufacturer.

6. Jacket (Optional):
   (a) Department-approved light- or heavyweight jacket, dark navy blue in color.
   (b) “West Valley City Police Records Section” embroidered in white lettering on the left chest area.
   (c) Last name with optional first initial embroidered in white lettering on the right chest area.

7. Vest (Optional):
   (a) The Department-approved dark navy uniform vest may be worn with the white button-down uniform shirt.
   (b) The name plate is worn on the upper right side of the vest.
   (c) The Records “Scales” logo may be embroidered on the upper left side of the vest.

(b) **Non-Sworn Evidence Personnel** - The non-sworn Evidence personnel uniform will consist of a Department-approved golf-type shirt with the West Valley City Police

Department badge and name identification embroidered on the shirt and a durable pant, conducive to working in a property room environment.

1. Shirt:
   (a) Propper Ice Performance polo, blueberry or navy in color.
   (b) The employee's LAST NAME will be embroidered in silver/gray 1/2" capital letters on the right side of the chest.
   (c) WVCPD will be embroidered on the left side of the chest in silver/gray 1/2" letters shaped in a half round, under which will be embroidered EVIDENCE in silver/gray 1/2" capital lettering.
2. Pants:
   (a) Propper tactical pant, navy blue in color, or jeans, black in color.
   (b) Footwear:
      1. Black in Color.
      2. Steel toe shoes or boots are recommended but not required.
      3. No backless or open-toe shoes may be worn.
   (c) Socks
      1. Appropriate black socks.

(c) **Forensic Services Section** - Professional casual clothing which includes attire appropriate for both laboratory work and general assistance to the public will be worn. This includes any situation in which Forensic Personnel are presented in an official manner including neighborhood fairs and meetings.

1. The following clothing will be worn while in the Forensic Services Area including the general office and laboratory areas:
   (a) Department-approved polo shirt, in dark navy or white with the West Valley Police Forensic Unit logo embroidered on the left chest. “Forensic” embroidered on both sleeves, centered, bottom edge, no taller than 5/8" and silver or gray in color. “Forensics” embroidered centered on the bottom edge, rear collar, no taller than 5/8" and silver or gray in color.
   (b) Propper, 5.11 or Vertex tactical pant in khaki, tan or navy
   (c) Appropriate socks
   (d) Appropriate shoes
2. The following protective attire will be worn while working within the Forensic Services laboratory processing area:
   (a) White laboratory coat
   (b) Protective latex or neoprene gloves
   (c) Safety eye wear when handling chemicals
3. Inappropriate attire in the general office and laboratory areas would include:

(a) Open-toe shoes or sneakers
(b) Shorts or skirts
(c) Sleeveless shirts
(d) T-shirts
(e) Denim jeans Exceptions can be made to the above by the supervisor for events such as laboratory cleaning, crime scene trainings and similar tasks that may arise.

4. The following attire will be worn when responding to crime scenes:
   (a) Department-approved polo shirt, in dark navy or white with the West Valley Police Forensic Unit logo embroidered on the left chest
   (b) Propper, 5.11 or Vertex utility pants in khaki, tan or navy
   (c) Protective shoes or boots, preferably steel shank and waterproof
   (d) West Valley City Identification cards or West Valley City Police badge
   (e) Navy blue protective coveralls may be worn as needed
   (f) It is recommended that any additional clothing such as rain jackets, coats, hats and vests be embroidered with the Forensic Unit logo or "FORENSICS" in a visible manner

1046.4 INSIGNIA AND PATCHES

(a) Badge:
   1. To be worn on left side uniformed shirt and will be Department-issue only.

(b) Shirt Buttons:
   1. Pewter/silver colored buttons.
   2. Issued by the Department.
   3. To be worn on the shirt pockets and epaulets.

(c) Shoulder Patch:
   1. To be worn centered on the side of the shoulder with top edge 1/4" below the shoulder seam of the shirt.
   2. Department-issue and OWNED only.
   3. Shoulder patch to be worn by sworn officers only.

(d) Name Plate:
   1. To be worn on the right breast above the pocket flap of shirt, centered with bottom edge of name plate even with top seam.
   2. Department-issue only.
   3. Silver with brushed matte finish.
   4. Last name with optional first initial.

5. Black lettering, 2 ½" by 5/8".

(e) Insignia:

1. The designated insignia indicating the employee's rank must be worn at all times while in uniform. Rank insignia on outerwear will be the larger size insignia and will be placed on the epaulet of the outerwear. The Chief of Police may authorize exceptions.
2. Collar insignia of rank and only insignia of rank.
3. Worn parallel to the front edge of the collar centered between the point of the collar and the point at which the collar meets the neck and with the closet part of insignia 5/8" from the front edge of the collar.
4. Rank collar insignia area to be of miniature size, as designated by the military.
5. Will be silver in color.

(f) Assignment/Collateral Duty Insignia:

1. Worn centered, 1/8" above honor ribbons, service stars, or name tag.
2. One only, approved and representing current assignment or collateral duty.

(g) Service Stars:

1. Five-year stars may be worn in a straight line, centered above the name plate.
2. Service stars will be silver, 7/16".

(h) Tie/Tie Bar:

1. Optional with long sleeve shirt.
2. Mandatory with Class A.
3. Black with ready tie knot, constructed to open when pulled with moderate pressure.
4. Tie bar is mandatory with a tie and shall be plain, silver, worn parallel to bottom of shirt pocket flap.

1046.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of the Department - From the time of death until midnight on the 30th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.

(d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style or izod style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear slacks, shirts, blouses, dresses, skirts or suits that are moderate in style.

(d) The following items shall not be worn on-duty:

1. Thongs or flip flops.
2. Swimsuit, tube tops or halter-tops
3. Spandex-type pants.
4. See-through or low cut clothing.
5. Provocative clothing.
6. Distasteful printed slogans, buttons or pins.

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the West Valley City Police Department or the morale of the employees.

1046.5.1 COURT ATTIRE

To establish a policy to ensure that uniformed officers/employees and other members of this Department present a professional demeanor and appearance while attending court on behalf of the city, county, state or federal.

(a) All officers and civilian employees will ensure that their attire and appearance professionally represent the Department and City at all times when involved in any criminal or civil court proceedings.

(b) Male employees appearing at any court proceeding on behalf of the city, county, state or federal shall wear:

1. Slacks or dress pants
2. Long sleeve button dress shirt with Tie
3. Dress Suit
4. Sports coat and tie or a v-neck sweater

(c) Female employees appearing at any court proceeding on behalf of the city, county,

state or federal shall wear:

1. Appropriate, professional business attire.

(d) Uniformed Employees appearing at any court proceeding on behalf of the city, county, state or federal have the option to wear:

1. Department-approved uniform as specified in above policy.
2. Department-approved tie and tie bar if in long sleeve uniform shirt.
3. While wearing the summer uniform, no tie need be worn while in uniform.
4. Soft uniforms will NOT be worn to court.

(e) Attire should adhere to Policy #1046.5, D, 1 thru 6.

This policy shall apply to all members of this Department regardless of current assignment.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, West Valley City Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify himself/herself as an employee of the West Valley City Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or non-profit publication, or any motion picture, film, video, public broadcast or any Web site.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department-issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property outlined in § 700.

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

West Valley City Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

West Valley City Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

1050 – Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of the Department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.1.2 WEST VALLEY CITY NEPOTISM POLICY

The City complies with state laws prohibiting nepotism, or the employment of relatives. Except as allowed by state law, the City prohibits City employees from employing, appointing, voting for the appointment of, directly supervising, or being directly supervised by the employee's relative. In addition to the provisions of state law, the City also prohibits the following:

- Relatives may not be employed within the same City department.

- Relatives of the Mayor, City Council Members, the City Manager, Assistant City Manager, or any Department Head, shall not be employed by the City.
- Employees who marry may not be employed within the same City department. The City will make an effort to transfer one of the employees. If a transfer does not occur, one of the employees will be terminated.
- The prohibitions described in subsections (I) and (II) above shall take effect on September 12, 2005, and shall not apply to City employees hired prior to that date.
- Except as otherwise provided by law, temporary or part time employees who do not receive benefits may be employed in City departments where relatives are employed. Items II, III above apply to all employees including non-benefited, temporary or part-time employees.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply.

(a) Employees are prohibited from directly supervising or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of the Department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individuals they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives or registered sex offenders, or anyone who engages in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations, through the chain of command.

1052 – Department Badges

1052.1 PURPOSE AND SCOPE

The West Valley City Police Department badge and uniform patch as well as the likeness of these items and the name of the West Valley City Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 STANDARD

The uniform badge shall be issued to Department members as a symbol of authority and will only be issued to sworn personnel. Exceptions to the use of the uniform badge will be made at the discretion of the Chief of Police. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this Department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to the same policies as the uniform badge.

(a) An officer may sell, exchange or transfer the flat badge to another officer within the West Valley City Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in § 700.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

1052.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement employees may keep his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer or others as authorized by the Chief of Police.

The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications such as electronic mail, or Web sites and Web pages.

The use of the badge, uniform patch and Department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her Department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the Department badge for merchandise and official association business provided they are used in a clear representation of the association and not the West Valley City Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the Department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

1052.5 PHOTO IDENTICATION

All West Valley City Police Department employees shall be issued a photo identification card at the time that their employment begins. The purpose of this photo identification card is to ensure that the public can identify that they are dealing with a law enforcement officer or employee of the Police Department. The card should be kept on one's person anytime they are on duty and readily accessible. Sworn officers shall have their Department photo identification on their person anytime they are armed and or carrying a concealed weapon.

In the event that a request is made to view the employee's issued West Valley City Police identification, the employee shall present the photo identification card. If only the name, rank or identification number is requested, then the employee shall politely provide the requested information. An exception to these requests will be made if such action is likely to jeopardize an investigation or put an officer at risk.

The identification card will contain the following information:

(a) Lettering that identifies the West Valley City Police Department

(b) A digital representation of the Department badge

(c) The employee's name and signature

(d) The employee's identification number (IBM)

(e) The current position or rank of the employee

(f) The signature of the Chief of Police

(g) Security features to reduce the likelihood of fraudulent replication

(h) For sworn officers, indication that the individual is authorized to carry a loaded and or concealed firearm.

1052.6 CIVILIAN PERSONNEL

Department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the employee (e.g. Records Clerk, Evidence, Forensics).

(a) Civilian personnel shall not display any Department badge on their uniform.

(b) Civilian personnel shall not display any Department badge or represent himself/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.7 VOLUNTEERS, INTERNS AND CONTRACT WORKERS

Department identification cards will be issued to any volunteer, intern or contract employee and will be clearly marked to reflect the specific position that they are assigned to.

a) Under no circumstances will any volunteer, intern or contract worker be issued or display any Department badge.

b) Issued identification cards will be worn around the neck of any volunteer, intern or contract worker at all times while within any public safety facility or workplace and will adhere to the same standards of information that is contained on any other employee identification card.

c) Identification cards are the property of the West Valley City Police Department and are required to be returned to the Office of the Chief upon completion of the assigned task or terms of agreement.

d) All volunteers, interns and contract workers will be required to be accompanied and supervised by a full-time employee of the Department or, under some circumstances, a full-time employee of the City while within any public safety facility or workplace.

1052.8 REQUEST FOR IDENTIFICATION

All employees shall politely give their name, rank or position, and identification number to a requestor, including requests made over the telephone, unless such an action is likely to jeopardize the successful completion of a legitimate Department related assignment, or creates unnecessary risk to the employee.

1054 – Modified Duty Assignments

1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified duty assignments may be available to employees who have incurred a duty-related illness, injury or condition, and are unable to perform their regular assigned duties. The Department may consider off-duty illness, injury or condition for eligibility similar to duty-related illness or injury. Eligibility for modified duty assignment is subject to the approval of the Chief of Police or designee.

The Department shall not have long-term or permanent modified duty assignments. Assignment to modified duty shall not exceed one year.

1054.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light duty assignments.

1054.3 LIMITATIONS

Modified duty assignments are intended to provide an employee an accelerated return to full duty as soon as possible while providing the Department with a productive employee during the interim period.

Modified duty assignments are a management prerogative, not an employee right.

Modified duty assignments are subject to continuous re-assessment dependent upon Department need, employee ability and performance.

Poor performance of an employee in a modified duty assignment, a lack of Department need or a change in priorities may result in removal from an assignment, change of assignment, exclusion from assignment or elimination of assignments.

The Department may place conditions deemed appropriate upon any modified duty assignment.

1054.4 PROCEDURE

To request assignment to modified duty, employees shall provide to the Human Resource Department a signed report from a treating physician of their inability to perform the basic and essential job functions of his/her regular duties, and their ability to perform the basic and essential job functions associated with the duties of a modified duty assignment. The document shall indicate the nature of the injury or illness, the employee's limitations/restrictions and the expected duration. The physician must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Human Resource Department, in consultation with the Watch Commander or Section Lieutenant, will determine what modified duty assignments may be available, consider the needs of the Department, limitations of the employee, suitability to an assignment and may place the employee in a suitable and available modified duty assignment.

Employees may also be directed to perform a modified duty assignment by the Chief of Police or designee.

1054.4.1 ASSIGNMENT TO MODIFIED DUTY

At the direction of the Section Commander or other assigning supervisor, employees assigned to modified duty shall work the scheduled shift of the unit to which they are assigned or the shift, hours and duties specified in the modified assignment until re-assigned to another modified assignment, cleared for full duty or removed/excluded from assignment to modified duties. The Section Commander or other assigning supervisor has the discretion of re-assigning modified duty schedules to suit Department needs.

The employee and supervisors should be informed in writing of the schedule, modified duty assignment, supervisor and limitations and/or restrictions as directed by the treating physician or the Department.

1054.4.2 ACCOUNTABILITY

Supervisors of the regular and modified duty assignments for the employee shall coordinate efforts to ensure proper time accountability.

While on duty, employees on modified duty are responsible for coordinating required doctor visits and physical therapy in advance with their supervisor and must properly account for the time.

Employees shall immediately notify the Human Resource Department if there is a change in their condition, which causes their physician to modify their duty assignment in any fashion and shall submit a status report for each visit to the treating physician. A duty status report shall be provided by employees assigned to light duty to the Human Resource Department no less than every 30 days the employee is on modified duty.

Supervisors of employees on modified duty shall keep the Section Commander apprised of the employee's status and ability to perform the modified duty assignment. Modified duty assignments which extend beyond 60 days will require a written status report and request for extension to the Section Commander updating the history, current status and anticipated date of return to regular duty. Extensions require approval by the Chief of Police. When it is determined that an employee is no longer to perform a modified duty assignment, the supervisor of the modified duty assignment shall notify the Section Commander, documenting and coordinating the change as necessary. All training and certification necessary for return to regular duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS

The Department may request a medical examination by a physician retained by the Department prior to the employee's return to work and/or release to full duty. The Department may also request a medical examination by a physician retained by the Department to determine if it is appropriate for the employee to work a modified duty assignment. Such medical examinations shall be at the expense of the Department.

Employees shall return to their regularly assigned duties when they have recovered from their illness, injury or condition and the treating physician provides the Human Resource Department with a signed clearance for full duty indicating that they are capable of performing the basic and essential job functions of his/her assignment.

1054.5 PREGNANCY

It is the policy of the Department to reassign pregnant employees, if requested by the employee or deemed necessary by the Department, to temporary assignments that will not routinely expose them to environments or activity potentially hazardous to the employee, the unborn child or the pregnancy.

1054.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy shall notify her immediate supervisor of the pregnancy as soon as medical confirmation is obtained. The employee must inform the Human Resource Department of her intentions regarding reassignment, job accommodation, anticipated leave for the pregnancy and prenatal care. The employee shall also submit verification from her physician confirming any job restrictions to which she might be subject.

1054.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the verification of the pregnancy from the Human Resource Department and a request for job accommodation, reassignment or leave by the employee, the supervisor shall notify the Section Commander who will consider assigning the employee to an available temporary modified duty assignment if it is deemed medically necessary by the treating physician.

If, at any point during the pregnancy, it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding Family and Medical Care Leave.

1054.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified duty assignment shall have their probationary period extended by a period equal to the time the employee was in a modified duty assignment.

1054.7 MAINTENANCE OF CERTIFICATION, TRAINING AND QUALIFICATION

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular duties and temporary duties, provided the certification, training and qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training and qualifications.

1058 – Employee Speech, Expression, Social Networking

1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the West Valley City Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1058.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the West Valley City Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the West Valley City Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the West Valley City Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the West Valley City Police Department or its employees.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the West Valley City Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the West Valley City Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website

maintained by the employee (e.g., social or personal website).

1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the West Valley City Police Department or identify themselves in any way that could be reasonably perceived as representing the West Valley City Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the West Valley City Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any Department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any messages, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any Department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through Department computers or networks.

1058.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under

this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its employees.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the employee's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1058.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

1059 – Peer Support

1059.1 PURPOSE AND SCOPE

It is the policy of the West Valley City Police Department to provide support for West Valley City Police Department employees involved in highly stressful situations encountered in the course of their duties, provide emotional and tangible peer support in times of professional and personal need, and anticipate potential future needs of the Department and its employees. This will be accomplished through the use of a Peer Support Team and the application of the Critical Incident Stress Management (CISM) process.

The Peer Support Team may be comprised of sworn and non-sworn Police Department employees who have been specifically trained to assist in dealing with these types of situations. However, these employees are not counselors or therapists. The Peer Support Program is not an element of the Employee Assistance Program (EAP), nor is it a substitute for professional help.

The West Valley City Police Department Peer Support Team will also provide assistance to any other entity or West Valley City department as directed by the Chief of Police or his designee.

1059.2 DEFINITIONS

A critical incident is any situation faced by West Valley City Police Department employees that might result in unusually strong emotional reactions which have the potential to interfere with their ability to function or cope during or after the incident, impair their ability to adjust, and/or negatively impact the work environment. These emotional reactions may occur during a single incident or long-term exposure to multiple incidents.

The Peer Support Team offers assistance and appropriate support resources to employees when personal or professional problems negatively affect their work performance, family unit, or self.

1059.3 MISSION STATEMENT

The mission of the West Valley City Police Department Peer Support Team is to assist employees with stresses caused by professional and/or personal events and help them continue to be productive members of the West Valley City Police Department.

The West Valley City Police Department Peer Support Program has been developed to provide debriefing/de-escalation following critical incidents. The focus of this service is to minimize the harmful effects of job stress, particularly in crisis or emergency situations. As such, the highest priorities for the team are to maintain confidentiality, advocate for the affected individual and their families, and to respect the feelings of the individuals involved.

1059.4 TEAM STRUCTURE

The Peer Support Program will fall directly under the Office of the Chief of Police for budget and accountability purposes.

Program Coordinator: The Program Coordinator should be the rank of Sergeant or higher. The program coordinator shall be responsible for the Peer Support program and coordination of the Peer Support Team.

Team Leaders: Two Team Leaders will be chosen by the Program Coordinator and may consist of sworn or non-sworn personnel. Team Leaders will be under direct supervision of the program coordinator. His/her duties shall consist of, but are not limited to:

(a) Assist in the selection of Peer Support Team members

(b) Assist in training other members of the Peer Support Team

(c) Provide guidance at debriefings

Team Members: Peer Support Team members shall be selected from the department personnel at large.

The Peer Support Team shall not exceed 14 members, not including the Program Coordinator.

1059.5 CONDUCT

While acting in an official Peer Support capacity, Peer Support Members are expected to maintain a level of professionalism and appropriate conduct that is in accordance with current department policy.

1059.6 CONFIDENTIALITY

Federal HIPPA regulations provide limited confidentiality to Peer Support participants. This regulation is generally not protected by legal privilege and confidentiality is administratively provided and may not be recognized in court proceedings.

Peer Support Team Members will strictly maintain confidentiality except when information obtained from an employee indicates the employee is an imminent danger to him/herself or others or in cases of serious violations of the law.

Serious Violations of the law include:

(a) Child, Spouse, or Elder Abuse

(b) Felonious violations of the law

In cases of an employee being an imminent danger to him/herself or others, the Peer Support Team Member will contact the local law enforcement agency, and/or will take appropriate law enforcement action. IMMEDIATE notification will be made to the Office of the Chief by the involved Peer Support Team Member upon such an incident.

Compromising a confidence will be considered a violation of this policy. Members of the Peer Support Team who violate the confidentiality of an employee contact will be subject to disciplinary action and removal from the team. Accusations of a breach of confidentiality by a Peer Support Team Member will be made in writing and submitted directly to the Peer Support Team Coordinator or the Office of the Chief for review and/or appropriate action.

1059.7 PEER SUPPORT TEAM

The West Valley City Police Department Peer Support Team is available 24 hours a day, 7 days a week to all Police Department employees. Any West Valley City Police Department employee who desires to speak to a Team Member in regard to a critical incident or peer support situation may communicate directly with a Team Member, without the knowledge or approval of a supervisor. Contact can be made via direct contact with any of the Peer Support Team Members, through their City issued cell phone or via the Peer Support email address peersupport@wvc-ut.gov. A current roster of Peer Support Members can be located on the department H: Drive, in the Peer Support folder.

1059.8 CALLOUT GUIDELINES

The Peer Support Team Coordinator shall be immediately contacted on any mandatory response incident and notified as soon as possible for a mandatory contact incident. Incidents that require mandatory response and mandatory contact are defined below. In the event that the Peer Support Coordinator is unavailable, contact will be made with either of the two Team Leaders. In the event that a Team Leader cannot be contacted, any member of the Peer Support Team can be contacted to provide support. As soon as feasible, the team member will contact the Coordinator to advise of the callout.

Mandatory Response:

(a) OIS

(b) Serious injury or death of a coworker whether during an incident, in route to or leaving a scene, or during a training exercise

(c) Mass casualty incidents

(d) Any incident classified as traumatic and/or in which an employee requests support, Peer Support callout will be initiated

Mandatory Contact:

(a) Administrative Leave

(b) Fatal Traffic Accident (non-employee involved)

(c) SIDS Death

(d) Violent death or serious injury to a child

(e) Serious injury/death of an employee's family member

(f) Any incident classified as traumatic and/or in which an employee requests support, Peer Support callout will be initiated.

1059.9 PEER SUPPORT DURING INVESTIGATIONS

(a) Peer Support services will be provided to an involved employee from a viewpoint that they are the victim.

(b) Peer Support Team Members will not interfere with ongoing investigations, nor will they take an active role in the investigation.

(c) Peer Support Team Members can assist the involved employee in navigating the investigative process.

(d) Peer Support Team Members will work in conjunction with investigators to make sure that every effort is put forth to not add undue stress to the involved employee.

(e) Peer Support assistance and follow-up is provided at the involved employee's discretion and can be waived or terminated at any time the involved employee wishes.

1059.10 SELECTION PROCESS

The team selection process will be completed under the direction of the Program Coordinator. Applicants must have at least (3) years' experience with the West Valley City Police Department, and will be selected by an interview panel, consisting of the program coordinator and the two team leaders. Final approval of successful applicants will be conducted by the Office of the Chief.

1059.11 TRAINING

Team Members shall be required to attend and successfully pass the CRITICAL INCIDENT STRESS MANAGEMENT (CISM) certification course. The certification will be obtained by an accredited ICISF (International Critical Incident Stress Foundation) course. This training will be arranged as soon as practical by the Program Coordinator.

The Program Coordinator will help facilitate continual training in assistance techniques, stress management, etc. Training classes for Team Members will be provided annually, or Team Members will be notified of applicable training opportunities they can utilize. Each Team Member is required to attend at least one Peer Support related training class annually. Special circumstances that prohibit attendance will be addressed with the program coordinator.

1059.12 PAY AND COMPENSATION

Members of the Peer Support Team who respond to an incident, debriefing, or meeting when they would normally be off duty will be compensated per the Overtime and Compensation Policy 1038. All overtime will be approved by the Program Coordinator.

Generally, when an employee is on duty, meetings and follow-up contacts by Peer Support Team Member will be coordinated with that employee's immediate supervisor. Consideration should be given to employee's position, minimum staffing levels, calls for service and availability.

1059.13 TEAM MEMBER PARTICIPATION

Peer Support Team membership is a voluntary collateral assignment and may be withdrawn by the program coordinator and/or the Office of the Chief at any time.

Team Members who fail to fulfill any of the outlined responsibilities may be withdrawn from the program.

A Team Member may withdraw from the program at any time by giving written notification to the program coordinator.

1059.14 OPERATIONS ANNUAL REVIEW

The Peer Support Coordinator will conduct an annual review of Peer Support related operations. Based upon this review, the program will be maintained, altered, or discontinued, and procedures for handling Peer Support matters may be revised.

1060 – Early Intervention Program

1060.1 PURPOSE AND SCOPE

The purpose of this policy is to outline a process relative to the management and utilization of the Department's Early Intervention Program. This program is a management tool for identifying signs of potential issues concerning the performance of Department employees.

1060.2 DEFINITIONS

Early Intervention Program (EIP) – The Department's proactive, non-disciplinary approach to identify employees who may need assistance and to document actions taken to assist such employees.

Alert – A notification by the EIP when an employee meets or exceeds a predetermined threshold within an established time frame.

Non-Disciplinary Remedy – Assistance provided to the employee that may include, but is not limited to, training, counseling, and/or referral to the City's Employee Assistance Program.

1060.3 GENERAL GUIDELINES

Although no particular set of criteria can determine job stress and/or performance problems, it is important that certain criteria be reviewed collectively and routinely as possible indicators of behavior patterns. The EIP is designed to provide a non-disciplinary, systematic review of predetermined data to highlight tendencies that might otherwise be overlooked. The EIP is a proactive system intended to enhance awareness of job stress and/or performance problems.

The emphasis of the EIP is on training and counseling, and is designed as a system to assist supervisory personnel in evaluating and guiding the employee. This program acts as a tool to identify employees who have shown a propensity for involvement in incidents of potential performance issues.

An alert is simply an indicator for supervisors to closely scrutinize the information that triggered the alert for that employee, analyze additional data if needed, and to take appropriate action, if necessary. The focus should be to help those employees who may benefit from intervention.

1060.4 PROCEDURE

The EIP system automatically receives information on complaints, uses of force, vehicle accidents, vehicle pursuits, or other documented performance issues, from the BlueTeam Software (see Policy § 1020, Use of IAPro and BlueTeam Software). This information is entered into the BlueTeam Software by supervisors and Internal Affairs personnel.

The EIP system will be configured to generate an alert when an employee accumulates a certain number of incidents within a specified period. Information will be collected in the following areas:

(a) Complaints – Both internal and external.

(b) Use of Force Incidents – Any use of force.

(c) Vehicle Accidents – Only at fault accidents.

(d) Vehicle Pursuits

(e) Documents, Events and PTO Usage – The collection of data in this category will be limited to performance evaluation system entries performance evaluations, lost or stolen equipment, duty injuries, and excessive use or excessive accumulation of PTO.

1060.5 SUPERVISOR RESPONSIBILITIES

First-line supervisors are a key element in the identification of employees with potential issues. First-line supervisors will familiarize themselves with their subordinates by direct observation, review, and documentation of demeanor, appearance, and conduct.

When the system identifies an employee who has met or exceeded the thresholds of the system an alert will be generated. A member of the Professional Standards Bureau will forward the alert to the employee's lieutenant through Blue Team.

The lieutenant will review the incidents which created the alert. Based on the information contained in the reports and any other pertinent evaluation information, the employee's lieutenant will determine whether supervisory intervention is necessary.

(a) If supervisory intervention is not necessary, the lieutenant shall document their review in Blue Team and forward to their deputy chief. The deputy chief will review the information provided by the lieutenant and if they agree with the conclusion will forward the alert into IAPro.

1. Documentation in Blue Team shall include a brief summary of the incidents triggering the alert and any other information, including but not limited to input from the officer's sergeant, used to make the determination.

(b) If supervisory intervention is necessary, the lieutenant shall meet with the officer to discuss the relevant information. A non-disciplinary remedy will be enacted. Documentation of the incidents, meeting, recommendation, and justifications will be forwarded to the employee's deputy chief for final review.

1. When meeting with the employee, the lieutenant shall inform the employee of the purpose of the meeting and advise the officer the meeting is non-disciplinary in nature and is mandatory.

2. The purpose of the supervisory intervention is to review with the employee his/her job performance and to determine what, if any, external factors may be adversely affecting their performance. The supervisor's goal should be to determine what, if any, assistance might be provided to the employee by the Department.

1060.6 PROGRAM EVALUATION

Annually, the Professional Standards Bureau will conduct a documented review of the EIP, including established alert thresholds and timeframes, and make recommendations for modifications, as necessary, to the Chief of Police.

Any reports and information related to the EIP are confidential and will be maintained separate from Internal Affairs and Personnel files. EIP records/documents will be retained for three (3) years from date of completion.