WEST VALLEY CITY
POLICE DEPARTMENT

POLICY MANUAL

8/24/2026

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.

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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, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

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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. In doing so, members of this Police Department commit themselves in the following core tenets:

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

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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 which 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.

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Table of Contents

Chief's Preface. 1

Law Enforcement Code of Ethics. 2

Mission Statement. 3

Vision Statement. 4

Chapter 1 - Law Enforcement Role and Authority. 11

100 - Law Enforcement Authority. 12
101 - Chief Executive Officer. 16
102 - Oath of Office and Core Values. 17
103 - Policy Manual. 19
104 - Department Goals and Objectives. 22

Chapter 2 - Organization and Administration. 24

200 - Organizational Structure and Responsibility. 25
201 - Departmental Directives. 29
202 - Emergency Operations Plan. 30
203 - Training. 36
204 - Electronic Mail. 43
205 - Administrative Communications. 44
206 - Current and Retiree Concealed Firearms. 47
207 - Cash Management. 50
208 - Inspections. 54
209 - Special Events Plan. 57
210 - Department Budget Management. 59

Chapter 3 - General Operations. 60

300 - Use of Force. 61
301 - Attorney-Client Review (ACR). 71
302 - Handcuffing and Restraints. 73
303 - Control Devices and Techniques. 78
304 - Conducted Energy Device. 84
305 - Officer-Involved Critical Incidents. 91
306 - Firearms. 97
307 - Vehicle Pursuits. 108
308 - Officer Response to Calls. 123
309 - Body Worn Cameras. 126
310 - Portable Audio/Video Recorders. 135
311 - Canine (K9) Program. 140
312 - Domestic Violence and Violations of Court Orders. 150
313 - Search and Seizure. 158
314 - Warrant Service. 163

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315 - DNA Samples. 170
316 - Juvenile Operations. 173
317 - Temporary Custody of Juveniles. 175
318 - Adult Abuse. 186
319 - Discriminatory Harassment. 192
320 - Child Abuse. 196
321 - Missing Persons. 202
322 - Public Alerts. 215
323 - Victim and Witness Assistance. 219
324 - Hate Crimes. 222
325 - Motorist Assists and Vehicle Lockouts. 224
326 - Standards of Conduct. 227
327 - Authorized Personal Use of Public Property. 235
328 - Discipline. 237
329 - Information Technology Use. 240
330 - Report Preparation. 244
331 - Media Relations. 250
332 - Court Appearance and Subpoenas. 253
333 - Reserve and Auxiliary Officers. 258
334 - Outside Agency Assistance. 265
335 - Registered Offender Information. 267
336 - Major Incident Notification. 270
337 - Death Investigation. 272
338 - Temporary Detention by Private Persons. 277
339 - ADA Compliance. 279
340 - Limited English Proficiency (LEP) Services. 288
341 - Service Animals. 295
342 - Mandatory Employer Notification. 298
343 - Chaplains. 299
344 - Public Safety Video Surveillance System. 305
345 - Child and Dependent Adult Safety. 309
346 - Volunteer Program. 312
347 - Off-Duty Law Enforcement Actions. 317
348 - Department Use of Social Media. 319
349 - Community Relations. 322
350 - Native American Graves Protection and Repatriation. 327
351 - Grant Management / Billing. 329
352 - Crisis Response Teams. 331
353 - Rapid Response and Crisis Team Deployment. 341
354 - Unmanned Aerial System (Drone Policy). 344
355 - U-Visas. 350
356 - Medical Aid and Response. 354
357 - Automated License Plate Readers (ALPRs). 359
358 - Robbery / Alarm Response. 362
359 - Generative Artificial Intelligence Use. 368
360 - Homeless Services Advocates - Client Intake Policy and Procedure. 372
361 - Risk Management / Accident Review Committee (ARC). 376

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Chapter 4 - Patrol Operations. 379
400 - Patrol Function. 380
401 - Unlawful or Improper Bias in Public Safety. 382
402 - Briefing. 385
403 - Crime and Disaster Scene Integrity. 387
404 - Ride-Along Program. 389
405 - Hazardous Material Response. 392
406 - Hostage and Barricade Incidents. 395
407 - Response to Bomb Calls. 400
408 - Citation Releases. 406
409 - Immunity from Arrest. 410
410 - Arrest or Detention of Foreign Nationals. 411
411 - VIP Security Plan. 415
412 - Bicycle Patrol Unit. 417
413 - Immigration Violations. 420
414 - Emergency Utility Service. 424
415 - Field Training Officer (FTO) Program. 425
416 - Aircraft Accidents. 430
417 - Obtaining Air Support. 434
418 - Contacts and Temporary Detentions. 435
419 - Criminal Organizations. 440
420 - Watch Commanders. 444
421 - Mobile Data Terminal (MDT) Use. 445
422 - Public Recording of Law Enforcement Activity. 448
423 - Foot Pursuits. 451
424 - Homeless Persons. 456
425 - First Amendment Assemblies. 459
426 - Civil Disputes. 465
427 - Response to Mentally Ill and Persons in Crisis. 468
428 - Naloxone. 473

Chapter 5 - Traffic Operations. 476
500 - Traffic Function and Responsibility. 477
501 - Traffic Direction and Control. 482
502 - Traffic Stops. 487
503 - Traffic Collisions. 493
504 - Police Vehicle Traffic Collision Reporting. 498
505 - Uniform Traffic Enforcement. 500
506 - Hazardous Highway Conditions. 504
507 - Vehicle Towing. 506
508 - Impaired Driving. 517
509 - Traffic Citations. 523
510 - Parking Enforcement. 526
511 - Disabled Vehicles. 528

Chapter 6 - Investigation Operations. 529
600 - Investigation and Prosecution. 530

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601 - Investigative Use of Social Media and Internet Sources. 535
602 - Case Management. 538
603 - Interview Rooms. 544
604 - Sexual Assault Investigations. 548
605 - Asset Forfeiture. 561
606 - Suspicious Activity Information Management. 568
607 - Specialized Criminal Enforcement Units. 571
608 - Covert Operations. 573
609 - Confidential Informants. 579
610 - Eyewitness Identification. 587
611 - Brady Material Disclosure. 592
612 - Pawn Shop Holds. 595
613 - Cold Cases. 597
614 - Investigative Genetic Genealogy. 599
615 - Facial Recognition Technology Use. 603
616 - School Resource Officers. 610

Chapter 7 - Equipment. 612

700 - Department-Owned and Personal Property. 613
701 - Personal Communication Devices. 616
702 - Vehicle Maintenance. 620
703 - Vehicle Use. 623
704 - Personal Protective Equipment. 630
705 - Special Purpose Vehicles. 635

Chapter 8 - Support Services. 641

800 - Crime Analysis/Real Time Crime Center (RTCC). 642
801 - Dispatch. 646
802 - Property and Evidence. 652
803 - Computers and Digital Evidence. 674
804 - Records Section. 678
805 - Records Maintenance and Release. 680
806 - Protected Information. 685
807 - Expungements. 690
808 - Drug Collection Disposal Program. 692

Chapter 9 - Custody. 694

900 - Temporary Custody of Adults. 695
901 - Custodial Searches. 700
902 - Arrest Procedures and Detainee Transportation. 704

Chapter 10 - Personnel. 708

1000 - Recruitment and Selection. 709
1001 - Attendance and Absenteeism. 712
1002 - Paid Time Off (PTO). 714
1003 - Performance Improvement Plans (PIP). 716
1004 - Evaluation of Employees. 723

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1005 - Specialized and Collateral Assignment Transfers. 725
1007 - Request for Change of Assignment. 728
1006 - Anti-Retaliation. 729
1007 - Reporting of Arrests, Convictions, and Court Orders. 732
1008 - Alcohol and Drug Use. 734
1009 - Communicable Diseases. 738
1010 - Smoking and Tobacco Use. 746
1011 - Personnel Complaints. 747
1012 - Seat Belts. 757
1013 - Body Armor. 759
1014 - Personnel Records. 761
1015 - Commendations and Awards. 768
1016 - Fitness for Duty. 771
1017 - Meal Periods and Breaks. 775
1018 - Lactation Breaks. 776
1019 - Payroll Records. 778
1020 - Overtime Payment and Compensation Policy. 779
1021 - Outside Employment. 784
1022 - On-Duty Injuries. 788
1023 - Occupational Disease and Work-Related Injury and Death Reporting. . . . 793
1024 - Personal Appearance Standards. 799
1025 - Authorized Attire - Uniforms and Equipment. 803
1026 - Nepotism and Conflicting Relationships. 824
1027 - Department Badges. 827
1028 - Temporary Modified-Duty Assignments. 830
1029 - Military Deployment and Reintegration. 834
1030 - Speech, Expression, and Social Networking. 837
1031 - Employee Wellness Initiative Public Safety Therapist / Counselor. 841
1032 - Peer Support. 845
1033 - Early Intervention Program (EIP). 850
1034 - Line-of-Duty Deaths. 853
1035 - LEFTA Systems Software. 857

Attachments. 859
Photos - Facial Hair Approved and Not Approved Examples.pdf. 860
PIP-Example of Performance Improvement Plan Conclusion.pdf. 861
PIP - Example of Notice of Deficiency.pdf. 862
PIP - Example of Feedback Meeting.pdf. 863

Disciplinary Matrix 3-17-2026.pdf. 865

Granite School Dist SRO Interlocal Agr 2025.pdf. 867

PIP - Example of Performance Improvement Plan.pdf. 869
Vehicle Pursuit Matrix.pdf. 870
LEP Speak Guide (Limited English Proficiency Services Language Card).pdf. . . . 877

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the West Valley City Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the West Valley City Police Department to limit its members to only exercise the authority granted to them by law.

While this Department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This Department does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Sworn members of the Department shall be considered peace officers pursuant to Utah Code 53-13-102 and Utah Code 53-13-103.

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE WEST VALLEY CITY POLICE DEPARTMENT

The arrest authority within the jurisdiction of the West Valley City Police Department includes:

(a) In compliance with an arrest warrant.

(b) Without a warrant (Utah Code 77-7-2):

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

  (b) When an officer has reasonable cause to believe that a felony or class A misdemeanor has been committed.

  (c) When an officer has reasonable cause to believe that a public offense has been committed and the person to be arrested may flee or conceal him/herself to avoid arrest, destroy or conceal evidence or injure another person or damage property.

(c) Without a warrant when there is reasonable cause to believe that the person has committed theft (Utah Code 77-7-13).

(d) Without a warrant when an officer has probable cause to believe that a person is driving under the influence in violation of Utah Code 41-6a-502 (Utah Code 41-6a-508).

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE WEST VALLEY CITY POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the West Valley City Police Department includes (Utah Code 77-9-3):

(a) When the officer is in fresh pursuit of an offender for the purpose of arresting and holding the person in custody or returning the person to the jurisdiction where the offense occurred.

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(b) When a public offense has been committed in the presence of the officer.

(c) When the officer is participating in an investigation of criminal activity which originated in the jurisdiction of the West Valley City Police Department in cooperation with the local law enforcement authority.

(d) When the officer is called to assist officers in another jurisdiction.

Officers should, when practicable, notify and receive approval from the local law enforcement authority prior to taking enforcement action.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters another state in fresh pursuit:

  (a) In Colorado, to arrest the person for a crime committed in Utah (CRS § 16-3-104).

  (b) In Arizona, Idaho, Nevada and New Mexico, to arrest the person for committing a felony in Utah (ARS § 13-3832; Idaho Code 19-701; NRS 171.158; NMSA § 31-2-1).

(c) When an interstate compact exists with the state of Wyoming that permits an officer to pursue and arrest an offender who has fled Utah (Wyo. Stat. § 7-3-103).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or other proper judicial official in the county where the arrest occurred as soon as practicable (ARS § 13-3833; CRS § 16-3-104; Idaho Code 19-702; NRS 171.158; NMSA § 31-2-2 (New Mexico)).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Utah Constitutions.

100.6 DUTIES AND RESPONSIBILITIES

Members of the Department shall abide by the rules of conduct as set forth in 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.

100.7 ON DUTY AND PREPARED TO ACT

Officer shall be considered on duty at all times, and shall be prepared to act in an official capacity when the circumstance warrants police action.

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100.8 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.

100.9 OFFICER TO CARRY OUR 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, the 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.

100.10 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 the 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 the 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.

100.11 OFFICERS TO OBEY ORDERS OF SUPERIORS

Every officer must obey the knowingly lawful orders of their 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.

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100.12 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.

100.13 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.

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

Utah Code 53-6-205 mandates that all sworn officers employed after January 1, 1985 successfully complete a Utah POST Council certified academy or successfully pass a state certification examination pursuant to Utah Code 53-6-206, and obtain POST certification, prior to being permitted to exercise peace officer powers.

101.1.1 CHIEF OF POLICE REQUIREMENTS

It is recommended that a candidate for Chief of Police of the Department should, as a condition of continued employment:

(a) Be an individual of recognized executive and administrative capacity.

(b) Be selected solely with regard to their qualifications and fitness to discharge the duties of the office.

(c) Be of high moral character.

(d) Be of good standing in their community of residence.

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Oath of Office and Core Values

102.1 PURPOSE AND SCOPE

Prior to assuming sworn duties, Officers of the Department will take, and subsequently abide by, an oath to uphold and enforce the federal and state constitutions and, where applicable, federal, state, and local laws.

102.2 POLICY

It is the policy of the West Valley City Police Department that, when appropriate, Department members will affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All Department members shall take and subscribe to the oaths or affirmations applicable to their positions (Utah Constitution Article IV § 10).

102.4 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 reflect 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.

102.4.1 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.

102.4.2 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 affect 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.

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102.4.3 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.

102.4.4 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:

(a) Act consistently with our values and expectations.

(b) Let compassion and courtesy guide our actions.

(c) Have respect for all people, their ideas and opinions.

(d) Apply rules, regulations, and laws in an unbiased manner.

(e) 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 organizational mission that we will demonstrate our commitment to professionalism and dedication to those with whom we work and serve.

102.5 ORGANIZATIONAL CITIZENSHIP

Organizational citizenship describes positive and constructive employee actions and behaviors that are not part of a formal job description. The greater good of all functions of the organization and its members is paramount and is demonstrated through demeanor, communication, positive attitude, and performance. An employee who demonstrates positive organizational citizenship is focused on advancing the core values of the Department: Integrity, Service, Accountability and Fairness and does so voluntarily and in consideration of their peers and the organization as a whole.

102.6 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Utah Code 52-1-2 et seq.).

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Policy Manual

103.1 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 members of the Department are to conform to the provisions of this manual.

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 that they do not conflict with the provisions of this manual.

103.2 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.

103.2.1 DISCLAIMER

The provisions contained in the 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 Department administrative action, training or discipline. The West Valley City Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

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 designees (members of Command Staff)are authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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CFR - Code of Federal Regulations.

City - The City of West Valley City.

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

Department/WVCPD - 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 employed or appointed by the West Valley City Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers

Officer - Those employees, regardless of rank, who are sworn peace officer 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 Division.

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

Shall or will - Indicates 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 that may include responsibility for 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.

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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.

UAC - Utah Administrative Code (Example: UAC R728-503-10).

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the Department network for viewing. No changes shall be made to the manual without authorization from the Chief of Police or the 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 they do not fully understand.

103.5.1 ARCHIVE OF SUPERSEDED POLICY MANUALS

Superseded versions of the West Valley City Police Department Policy Manual will be archived in PowerDMS or another appropriate records storage location.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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 seek clarification from an appropriate supervisor as needed.

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

The Department will ensure that members are aware of any Policy Manual revisions.

All Department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Bureau Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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Department Goals and Objectives

104.1 PURPOSE AND SCOPE

This policy outlines the process to set and evaluate goals and objectives for the West Valley City Police Department on an annual basis, in order to fulfill the agency's mission to enhance the quality of life in our City and provide excellent service to the community.

104.2 ANNUAL WRITTEN STATEMENT

As part of the City budget process, an annual written statement of the goals and objectives of the Police Department will be prepared. The Chief of Police will ensure the annual goals and objectives are disseminated to all members of the Department.

104.3 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 significant 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.

104.4 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.

104.5 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.

104.6 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.

104.7 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

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collection and analysis of data required for CALEA accreditation. This includes regular analyses 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 analysis 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 Department also help ensure that the agency is properly addressing established goals and objectives as part of its planning and research function.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 POLICY

The West Valley City Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.2 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of Department members.

200.3 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.

200.4 BUREAUS

The Chief of Police is responsible for administering and managing the West Valley City Police Department. There are three bureaus in the Department as follows:

- Administrative Services Bureau
- Patrol Bureau
- Special Operations Bureau

200.4.1 ADMINISTRATIVE SERVICES BUREAU

The Administrative Services Bureau is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management direction and control for the Administrative Services Bureau. The Administrative Services 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. The Administrative Services Bureau oversees training, internal affairs, planning and research, budget, and accreditation. The Professional Standards Section contains Internal Affairs and the Training Unit. The Support Services Section includes the Information and Intelligence Unit (IIU), the Records Section, and the Forensics Section, comprised of a Forensic Unit and an Evidence Unit.

200.4.2 PATROL BUREAU

The Patrol Bureau is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management direction and control for the Patrol Bureau. The Patrol Bureau is the backbone of the Department and all other bureaus support the patrol function. The Patrol Operations Bureau consists of Patrol Watches organized into 12-hour shifts, Monday through Saturday, and 8-hour shifts on Sunday, around the clock, seven days a week. The Patrol Bureau also includes the Canine Unit (K-9).

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200.4.3 SPECIAL OPERATIONS BUREAU

The Special Operations Bureau is commanded by an assignedDeputy Chief, whose primary responsibility is to provide general management direction and control for the Special Operations Bureau. The Special Operations Bureau proactively supports the Patrol Bureau and is tasked with special assignments and projects. The Investigations Section contains a Homicide Unit, Violent Crimes Unit, Special Victims Unit, Property Crimes Unit, and Court Services Unit. The Strategic Investigations Section is composed of the Street Crimes Unit (SCU) that is focused on street crime and special enforcement activities. The Bureau also includes the Community Services Section that includes the Community Policing (COP) Unit, Traffic Unit, Parking Compliance and Crossing Guards.

200.5 COMMAND PROTOCOL

200.5.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all members of the Department. During planned absences, the Chief of Police will designate a Bureau Commander to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

(a) Patrol Bureau Commander

(b) Special Operations Bureau Commander

(c) Administrative Services Bureau Commander

(d) On-duty Watch Commander

200.5.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g. K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.5.3 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 shall relinquish 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.

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(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.

200.5.4 ORDERS

Department 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.

200.6 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. 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.

200.7 MULTI-YEAR PLAN

The Chief of Police or the authorized designee is responsible for establishing a multi-year plan, which includes:

- Goals and operational objectives.
- Anticipated workloads and population trends.
- Anticipated personnel levels.
- Anticipated capital improvement and equipment needs.
- Review of the multi-year plan, at least every four years, and revision as needed.

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200.8 JOB DESCRIPTIONS

The Administrative Services Bureau Commander shall ensure that a current job description is maintained for each position in the Department. Job descriptions shall include the duties and responsibilities of each position, including entry-level requirements, and be made available to all members.

200.9 CIVILIAN CONSIDERATIONS

Assignments for civilian members shall take into consideration that they:

- Shall not be commissioned as officers.
- Shall not be assigned to duties requiring sworn officer status.
- Shall perform the duties described and governed by appropriate policy, and receive training in the proper performance of such duties.

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Departmental Directives

201.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policies consistent with the current Memorandum of Understanding or other collective bargaining agreement. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify an existing policy or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number “01.” For example, 09-01 signifies the first Departmental Directive for the year 2009.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The Staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

201.2.2 CHIEF OF POLICE

The Chief of Police or authorized designee shall issue all Departmental Directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee’s acknowledgement will be maintained by the Training Unit sergeant.

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Emergency Operations Plan

202.1 POLICY

The West Valley City Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The City Emergency Operations Plan complies with the State of Utah's Emergency Management Act (Utah Code 53-2a-101 et. seq.). This plan provides guidance for City emergency operations within and outside its borders as may be required.

202.2 PURPOSE AND SCOPE

This policy clarifies the role of the West Valley City Police Department and responsibilities of its members pertaining to large-scale emergencies and the City Emergency Operations Plan.

202.3 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the West Valley City Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the Emergency Operations Plan in response to a major emergency.

Upon activation of the Plan, the Chief of Police or authorized designee should coordinate with City officials to determine the level of emergency response, and to assist with mutual aid response from local, state, and federal law enforcement agencies.

202.4 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the Emergency Operations Plan are available in Administrative Services, the Watch Commander's office, and Dispatch. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the Plan is implemented. The Administrative Services Bureau Commander should ensure that Department members are familiar with the roles they will play when the plan is implemented.

202.4.1 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 of 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 determined 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).

202.4.2 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

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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 "Response to Bomb Calls", "Rapid Response and Crisis Team Deployment", and "Hostage and Barricade Incidents" are governed by other policies in this manual. The Incident Commander on these types of incidents will adhere to the appropriate policies.

202.5 DEPARTMENT RESPONSIBILITIES

The Emergency Management Coordinator is responsible for planning Department response to unusual occurrences.

Planning should include provisions for incident/unified command and address the following:

(a) Natural and man-made disasters (see the Crime and Disaster Scene Integrity policy).

(b) Mass arrests (see the Temporary Custody of Adults policy).

(c) Civil disturbances (see the First Amendment Assemblies policy).

(d) Bomb threats (see the Response to Bomb Calls policy).

(e) Other unusual incidents (see the Aircraft Accidents policy).

(f) Hostage/barricaded person situations (see the Hostage and Barricade Incidents policy).

(g) Emergency situations at correctional or other institutions, if applicable.

(h) The City Emergency Operations Plan.

202.6 EMERGENCY OPERATIONS PLAN REVIEW

The Chief of Police or the authorized designee shall review the Emergency Operations Plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Chief of Police or the authorized designee should appropriately address any needed revisions.

202.6.1 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.

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(b) Establishing a command post. The command post may be as simple as a specific meeting area, or 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.

202.6.2 OPERATIONS FUNCTION

The Operations Function is responsible for 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 Patrol 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.

202.6.3 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.

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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.

202.6.4 LOGISTICS FUNCTION

The Logistics Function provides 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 Administrative Services Bureau.

At a minimum, the Logistics Function is responsible for:

(a) Communications.

1. Assigning a common radio frequency for personnel and assisting agencies.
2. Establishing 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, assigning personnel to the Dispatch Center(s) to assist with communication needs.
4. Ensuring that the Incident Command Post has the capability to communicate with all agencies present at the incident.
5. Establishing a means of back-up communications in the event that radio communications become inoperable.

(b) Transportation.

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

(c) Medical Support.

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1. Working directly with the Fire Department and local hospitals to provide facilities/ areas and personnel for patient triage, treatment and transportation.

(d) Supplies.

1. Providing incident specific equipment and supplies, including the appropriate protective equipment for personnel responding to the incident.
2. Providing 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. Coordinating with the Fleet Manager to ensure that fuel and maintenance for responding equipment and vehicles is readily available.

(e) Specialized team and equipment needs.

1. Identifying and obtaining any additional equipment required by specialized teams working the incident.

(f) Facilities.

1. 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.

202.6.5 FINANCE / ADMINISTRATION FUNCTION

The Finance and Administration Function is responsible for analyzing all financial and cost aspects of the critical incident. During major incidents, this position will likely be held by the Chief's Executive Officer (normally a lieutenant).

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

(a) Managing all financial aspects of the incident to include procuring additional 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 operations plan for the Finance/Accounting Function.

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

202.6.6 TRAINING

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

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Emergency Operations Plan

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

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Training

203.1 POLICY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates.

203.2 PURPOSE AND SCOPE

All Department members should have appropriate and reasonable access to training and development opportunities. The focus of training and career development will be on highlighting specific opportunities for individual growth at all levels, and to improve overall job satisfaction. The Department will assist employees in planning their career paths to utilize formal education and law enforcement-related training courses to improve their skills, knowledge, and abilities so that employees can successfully perform assigned tasks.

The career development training described in this policy also creates a#"roadmap" for strategic leadership and management by eliminating gaps in institutional memory, knowledge, and leadership, which creates a positive environment for succession planning.# Succession planning provides the means of identifying future leaders within the agency and providing those individuals with the education, training, mentoring, and support they need to prepare for critical roles when vacancies occur.

203.3 DEFINITIONS

Career Development - The ongoing process of identifying, evaluating, and pursuing career goals and objectives. Career development activities include organized and supervised duties or functions designed to stimulate learning, such as counseling, training, education, job rotations, promotion, etc.

Succession Planning - Succession planning is a process and strategy of replacement planning for passing on of leadership roles. It is used to identify and develop new potential leaders who can move into leadership roles when they become vacant.

203.4 OBJECTIVES

Through a comprehensive career development program, 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 personnel.

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

(d) Prepare employees to become leaders in the Department when vacancies occur (succession planning).

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203.5 TRAINING PLAN

A training plan will be developed and maintained by the Training Unit sergeant. It is the responsibility of the Training Unit sergeant to maintain, review and update the training plan on an annual basis. The plan will address the following state requirements:

- 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 their 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.

All newly hired employees will undergo a City and Police Department orientation where they will receive information regarding the Department's role, purpose, goals, policies, and procedures; working conditions and regulations; and the responsibilities and rights of employees. In addition to the orientation, all non-sworn personnel shall be provided with initial and ongoing training commensurate with their responsibilities. This training shall be documented within agency records.

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203.5.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

(a) Federally-mandated training:

1. National Incident Management System (NIMS) training.

(b) State-mandated training:

1. Compliance with POST-mandated annual certified training of not less than 40 hours, which shall include training focused on arrests, control, and de-escalation (Utah Code 53-6-202(4)).
2. Part of the 40-hour POST-mandated training shall focus, at least every three years, on the following (Utah Code 53-6-202(5)):
   (a) Mental health and other crisis intervention responses (CIT).
   (b) Intervention responses for mental illnesses, autism spectrum disorder, and other neurological and developmental disorders.
   (c) Responses to sexual traumas and investigations of sexual assault and sexual abuse.
3. Firearms qualifications.
4. Emergency vehicle operations.
5. Arrest control tactics (defensive tactics).

(c) Department-required training:

1. Legislative changes.
2. State-mandated training.
3. Critical issues training.

203.6 TRAINING COMMITTEE

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

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

1. Non-Sworn Department employee (as designated by the Chief of Police).
2. Deputy Chief of the Special Operations Bureau.
3. Deputy Chief of the Patrol Bureau.
4. Lieutenant assigned to the Professional Standards & Training Section.
5. Training Unit sergeant.

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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 twice a year as directed by the Professional Standards & Training Section 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. Evaluating Department training that has occurred since the last Training Committee meeting.
2. Identifying specific training needs and resources.
3. Reviewing and making recommendations regarding training equipment and facilities.
4. Establishing and facilitating goals of the Training Committee between meetings of the Committee.

203.7 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 cost.
   (d) Per diem.
   (e) Other expenses.
   (f) Total costs incurred.

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(b) If employees incur approved expenses related to training they will be reimbursed according to budgetary guidelines.

203.8 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:

1. Court appearances.
2. First choice vacation.
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 the employee's supervisor, or if unavailable, another supervisor within the same bureau as 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.

203.9 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the West Valley City Police Department Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Unit sergeant.

Department members assigned to participate in DTBs shall only use login credentials assigned to them by the Training Unit sergeant. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members of the Department who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members

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should not allow uncompleted DTBs to build up over time and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

203.10 REPORTING

The Training Unit sergeant shall ensure that all required training records are forwarded to POST in the appropriate format pursuant to UAC R728-410-6.

203.11 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.

203.12 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.

203.13 TRAINING CLASS RECORDS MAINTENANCE

(a) The Training Unit Sergeant is responsible for maintaining records of all training offered by the West Valley City Police Department, to include:

1. Course content (lesson plans);
2. Names of Department attendees;
3. Performance of individual attendees as measured by tests, if administered;
4. Remedial training, if provided; and

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5. Retention schedule for lesson plans and related records.

(b) Employees shall enter records of training they attend outside of courses offered by the Department into the Department's training records management software.

203.14 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.

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Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system provided by the Department.

204.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

204.3 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the Department.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. In the event that a member of the Department has questions about sending a particular email communication, the member should seek prior approval from a supervisor in their chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an individual's email, name, or password. Any member who believes their password has become known to another person shall change their password immediately.

204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Utah Government Records Access and Management Act (Utah Code 63G-2-201 et seq.) and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Records Officer shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

204.5 POLICY

West Valley City Police Department members shall use email in a professional manner in accordance with this policy and current law (e.g., Utah Government Records Access and Management Act).

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Administrative Communications

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 INTRADEPARTMENTAL CORRESPONDENCE (IDC)S

Intradepartmental Correspondence (IDC) 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.

205.3 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.

205.4 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

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in part on statistical analysis, its perspective should be broader in scope than mere statistical analysis.

205.5 WORKLOAD ASSESSMENTS

A documented workload assessment of all organizational components will be conducted on a quadrennial basis and is the responsibility of the Bureau Deputy Chief or their designee. The purpose is to identify present and project future workload trends, allowing for efficient allocation of resources. Workload assessments will be conducted using appropriate assessment methodology in accordance with the organizational component and will include conclusions and recommendations for the distribution/allocation of resources. The workload study includes an examination of:

(a) Activities and/or workloads during specific periods (i.e. days of week, hours per day);

(b) Time spent handling call for services and/or tasks;

(c) Time percentages handling calls for service and/or tasks; and

(d) Current computed time lost to days off, illness, holidays, vacations, paid or non- paid leave, training time, and its impact on the function.

205.6 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.

205.7 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;

(c) Lieutenant of the Professional Standards & Training 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

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(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.

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Current and Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension, or revocation of West Valley City Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Utah law (18 USC § 926C; Utah Code 53-5a-303).

206.2 POLICY

It is the policy of the West Valley City Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

206.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this Department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this Department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this Department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this Department where the officer acknowledges that they are not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

206.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify them as having been employed as an officer.

If the West Valley City Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

206.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this Department, may carry a concealed firearm under 18 USC § 926C when they are:

(a) In possession of photographic identification that identifies them as having been employed as a law enforcement officer and one of the following:

1. An indication from the person's former law enforcement agency that they have, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Utah law or by a private person or entity on their property if such prohibition is permitted by Utah law.

206.4 CURRENT OFFICER RESPONSIBILITIES

Fulltime 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 inhibit 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.

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

206.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

206.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA

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and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable Department policies and federal, state, and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that they are not prohibited by law from receiving or possessing a firearm.

206.6 DENIAL, SUSPENSION, OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

206.7 FIREARM QUALIFICATIONS

The Training Unit sergeant may provide former officers from this Department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Training Unit sergeant will maintain a record of the qualifications and weapons used.

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Cash Management

207.1 PURPOSE AND SCOPE

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

207.2 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.

207.3 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.

207.4 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.

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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 Administrative Services Bureau Deputy Chief on a quarterly basis.

(b) Investigations Section Cash Funds

1. The Investigations Section Cash Funds are 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 the Confidential Informants Policy.
2. The Investigations Section Lieutenants 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 Lieutenants will document cash received into the fund in their 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 the procedure for cash disbursements in the section above.
5. Cash disbursed to investigators for the purposes described in this fund will be documented by the Investigations Section Lieutenants in their 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) memo from the investigator making the expenditure and approved by their immediate supervisor.
6. The Investigations Section Lieutenants or their designees are 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 Lieutenants are responsible for reporting the cash activity for this fund through their chain of command to the Administrative Services Bureau Deputy Chief, or designee on a quarterly basis.

(c) Special Operations Cash Fund

1. The Special Operations 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 the Confidential Informants Policy.

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2. The Special Operations 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 Special Operations 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 the procedure for cash disbursements in the section above.
5. Cash disbursed to investigators for the purposes described in this fund will be documented by the Special Operations 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 Special Operations Lieutenant or his/her designee is allowed to receive and disburse cash for this fund. Investigators and supervisors in the Special Operations Bureau are allowed to receive cash from this fund for the purposes outlined above.
7. The Special Operations Lieutenant is responsible for reporting the cash activity for this fund through their chain of command to the Administrative Services Bureau Deputy Chief 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 their 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

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Interdepartmental Correspondence (IDC) memo 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 their 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 their chain of command to the Administrative Services Bureau Deputy Chief 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 Administrative Services Bureau Deputy Chief on a quarterly basis.

207.5 REPORTING

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

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Inspections

208.1 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.

208.2 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.

208.3 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.

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

(a) 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.

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208.4 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.

208.5 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.

208.6 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.

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Inspections

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.

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Special Events Plan

209.1 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.

209.2 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.

209.3 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.

209.4 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.

209.5 STAFFING

The Special Events Coordinator will determine the staffing numbers that are needed and will post those positions for officers to sign up six weeks prior to the special event. Four weeks prior to the event, the Special Events Coordinator will conduct a draft to fill any positions that have not been filled. Those selected in the draft will be notified to sign up for a shift. The Special Events

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Coordinator will keep a list of those that work each special event. Those officers that work an event will not be entered in the draft for the following event.

209.6 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.

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Department Budget Management

210.1 PURPOSE AND SCOPE

This policy provides guidelines for Department budget management and accounting.

210.2 POLICY

The West Valley City Police Department endeavors to appropriately obtain, manage, review, and audit Department funds.

210.3 BUDGET PREPARATION AND MANAGEMENT

Each Bureau Commander or the authorized designee shall be responsible for preparing an annual budget proposal for review by the Chief of Police, which includes funding for operating needs, capital purchases, and personnel.

Adopted budgets should be reviewed and monitored periodically by Bureau Commanders so that expenditures do not exceed allocated funds.

210.3.1 ACCOUNTING

The Administrative Services Bureau Commander shall be responsible for developing and maintaining accounting procedures that include approval of each account, and provisions for quarterly status reports including, but not limited to:

- The initial appropriation for each account or program.
- Balances at the commencement of each reporting period.
- Expenditures and encumbrances made during the reporting period.
- The unencumbered balance of the account or program.

Accounting practices for cash accounts are described in the Cash Management policy.

210.4 AUDITS

Audits of the Department's fiscal activities should occur in accordance with City policy and procedure.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. (Prior policies referred to the use of force as "response to resistance.") While there is no way to specify the exact amount or type of reasonable force to be applied 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.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to, the Control Devices and Techniques, and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include (UAC R728-507-3):

Blunt Instrument - Any solid object used as a weapon that has no penetrating point or edge.

Choke Hold – A physical maneuver that restricts an individual's ability to breathe for the purpose of incapacitation.

Deadly Force – Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Distraction Strike / Blow – A punch, open-hand strike, or knee strike, intended to divert a subject's attention to where the blow lands so the officer can transition to another technique to complete the arrest.

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 to increase the likelihood of voluntary compliance.

Feasible - Reasonably capable of being accomplished or carried out under the circumstances, in order to achieve an arrest or other lawful objective successfully, without increasing risk to the officer or another person.

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

Intervention - The act of coming between, in order to prevent or alter a result or course of events.

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.

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Public Safety Associates – Representatives from other organizations within the broader criminal justice system, which may include members of task forces with which the agency works, members of other law enforcement agencies with shared jurisdiction, agency volunteers, and others.

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.

Show of Force – A display of force occurs when a firearm, firearm designated for less lethal deployment, or Taser 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.

Vascular Neck Restriction – A technique that can be used to incapacitate individuals by restricting the flow of blood to the brain. Also known as lateral vascular restraint or carotid hold.

300.2 USE OF FORCE POLICY

The 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.(UAC R728-507-5)

300.2.1 DUTY TO INTERVENE (INTERCEDE) AND REPORT

All Department employees are required to intervene, within the scope of their authority and training, and notify their supervisor if they observe another Department employee or public safety associate engage in any unreasonable use of force, or if they become aware of any substantive issues that may involve a violation of Departmental policy, State or federal law, or local ordinance.

A sworn employee shall intervene immediately, physically or verbally, if they observe a clearly unreasonable application of force or other inappropriate violation of due process procedure. Other circumstances may be best handled through reporting the matter to the appropriate supervisor in a timely manner. The intent of this policy is to reinforce the professional performance and behavior expected of all Department employees and to prevent the public and the Department from being negatively impacted by inappropriate employee actions. Utah Code 53-6-210.5

The officer who is the subject of the intervention should respond appropriately.

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300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject. (UAC R728-507-10)

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. (UAC R728-507-5)

The reasonableness of 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 use of force 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 this Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions they are confronting. These types of responses, including distraction blows or strikes, should be reserved for subjects that are engaged in physically assaultive behavior, or engaged in activity that could cause serious bodily injury or death. A subject who is passively resisting, or not complying with orders, would not justify an officer veering from the weapons and methods provided by the Department without other factors present. 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. Officers in these situations will use de-escalation tactics when it is safe and feasible.

It is the policy of the West Valley City Police Department that any use of a lateral vascular restraint (carotid restraint) or choke hold, kicks to the head, neck, or groin area, or the use of any other blunt instrument to strike the head, neck, or groin area will never be used as a method of restraint, and will be reserved for those incidents in which the officer believes that there is no other reasonable way to avoid serious bodily injury or death.

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 ALTERNATIVE TACTICS - 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

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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 making use of specialized units or equipment including Crisis Intervention Team (CIT) trained officers.

300.3.2 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 (Utah Code 77-7-7; UAC R728-507-5).

300.3.3 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 (UAC R728-507-5; UAC R728-507-7):

(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 (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

(f) The individual's ability to understand and comply with officer commands.

(g) Proximity of weapons or dangerous improvised devices.

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

(i) The availability of other reasonable and feasible options and their possible effectiveness.

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

(k) Training and experience of the officer.

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

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

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

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

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

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

300.3.4 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 (UAC R728-507-7). 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 individual can comply with the direction or orders of the officer.

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

A lateral vascular restraint (carotid restraint) or choke hold may never be used as a pain compliance technique.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved (UAC R728-507-7).

300.3.5 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a choke hold or carotid control hold, is limited to circumstances where deadly force is authorized and if applied, emergency medical services must be contacted immediately following its use.

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In such an instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the West Valley City Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify the officer as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (UAC R728-507-6).

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Use of deadly force is justified in the following circumstances involving an imminent threat or an imminent risk (Utah Code 76-2-404; UAC R728-507-6):

(a) An officer may use deadly force to protect the officer or an individual other than the suspect from what the officer reasonably believes is an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to an individual other than the suspect if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, an officer shall not use deadly force against a person whose actions are a threat solely to themself or property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the suspect has a weapon or is attempting to access one and intends to use it against the officer or an individual other than the suspect. An imminent danger may also exist if the suspect is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations of risks in addition to the justification for the use of deadly force (UAC R728-507-6).

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants (UAC R728-507-6).

An officer shall 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 imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (UAC R728-507-6).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (UAC R728-507-6).

An officer shall not discharge a firearm from a moving vehicle, except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.

300.5 REPORTING THE USE OF FORCE

Unless prior supervisor approval has been obtained, or an officer is involved in an Officer-Involved Critical Incident as defined in the policy governing Officer-Involved Critical Incidents, any use of

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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 include details of the 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 use of force reporting system software and forward that report to the supervisor who 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.

Certain incidents might not rise to the level of an Officer-Involved Critical Incident, and yet a supervisor may determine that the officer(s) would benefit from some time passing before recording the details of their actions, allowing the officer(s) to recall the details more precisely. In such instances, the supervisor may direct the officer(s) to complete a detailed crime report that includes all the information necessary to complete the criminal screening processes. The officer(s) shall then complete a detailed use of force report within two days of the incident.

300.5.1 REPORTING A SHOW OF FORCE

When an officer points a firearm, firearm designated for less lethal deployment, or Taser at an individual, the officer shall report the incident in accordance with Utah Code 53-13-116 and UAC R728-507-12). A display of OC, ASP (baton), and/or a K-9 does not require a show of force report. Of course, any deployment of OC, ASP (baton), or a K-9 does require a use of force report.

Use of force reports shall include at a minimum (Utah Code 53-13-116; UAC R728-507-12):

(a) A description of the incident.

(b) The identification of the individuals involved in the incident.

300.5.2 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the conducted energy device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

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For the purpose of this policy, supervisor refers to all ranks, including those officers with the rank of "Officer First Class" who have been approved, and properly trained, to review uses of force.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious (UAC R728-507-7; UAC R728-507-11). Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or 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 (UAC R728-507-11). 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 the on-scene supervisor is 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 force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes are potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, 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 from the scene (UAC R728-507-11).

See the Medical Aid and Response policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. 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 excessive force, this will be considered a routine contact in the normal course of duties.

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

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(c) When possible, separately obtain a recorded interview with the individual upon whom force was used. If this interview is conducted without the individual 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 documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention 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.

1. 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) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance 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 application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

If any supervisor observes, or becomes aware of, potential misconduct or unreasonable use of force, then that supervisor shall notify their chain of command immediately. The Deputy Chief in that chain of command will notify the Chief, Internal Affairs, and the City Attorney, if necessary.

When the supervisor has completed the investigation into the use of force as described above, the supervisor will ensure that the officer has entered the use of force into the use of force reporting 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.

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300.7.1 SUPERVISOR COMPLETION OF USE OF FORCE REVIEW

(a) A display of force requires a single supervisor review, followed by closure of the use of force report within 30 days of the incident.

(b) A use of force requires a review by two supervisors, one of which must be a lieutenant, followed by closure of the use of force report within 30 days of the incident.

300.8 TRAINING

Officers shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

(a) Legal updates.

(b) De-escalation tactics, including alternatives to force.

(c) The duty to intervene.

(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.9 USE OF FORCE ANALYSIS

The Administrative Services Bureau will prepare an annual analysis of use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

(a) The identification of any trends in the use of force by Department members.

(b) Training needs and recommendations.

(c) Equipment needs and recommendations.

(d) Policy revision recommendations.

300.10 PROFESSIONAL STANDARDS REVIEW BOARD

The Professional Standards Review Board (PSRB) will meet monthly to review uses of force, vehicle pursuits, and/or Internal Affairs investigations of 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.

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Attorney-Client Review (ACR)

301.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for timely legal review of police incidents that may carry civil liability, reputation risk, or constitutional concerns. Incidents will be reviewed in order to provide legal insight, risk assessment, and policy recommendations to reduce future exposure and improve officer conduct.

301.2 DEFINITION

The Attorney-Client Review (ACR) is a confidential, City Attorney-led panel that reviews selected incidents at the discretion of the City Attorney and Police Chief. It operates under the attorney-client privilege and is not intended as a public body or disciplinary panel.

301.2.1 SCOPE OF REVIEW

The ACR is composed of the following personnel:

- Police Chief.
- City Attorney or designee.
- Deputy Chiefs.
- Professional Standards Section Commander.
- Any other personnel, as needed and determined by the Police Chief and City Attorney.

301.3 RECUSAL AND PRIVILEGE

ACR members directly involved in the incident under review will recuse themselves.

301.4 USE OF THE REVIEW

The ACR may convene for:

- Officer-involved critical incidents (OICIs).
- Any other matter, at the discretion of the Police Chief and City Attorney.

301.5 RESPONSIBILITIES

The ACR may:

(a) Review all material relevant to the incident.

(b) Identify legal exposure and litigation risk.

(c) Recommend training, policy updates, Internal Investigations, litigation holds, or external referrals including criminal investigations.

(d) Assign any additional process reviews of particular incidents including uses of force, internal complaints, or otherwise as selected by the ACR panel. Documentation of such reviews will be created by the Professional Standards Section Commander, and forwarded to the appropriate personnel.

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301.6 RECORD RETENTION

The City Attorney's Office will retain all records created by the ACR.

301.7 ORDER OF PROCEEDINGS

Following an OICI or other incident subject to the ACR, reviews shall be completed in the following order:

(a) ACR.

(b) Follow-up assignments from the ACR including, as necessary:

1. Use of Force Review.
2. Internal Affairs (IA) Investigation.

(c) Professional Standards Review Board (PSRB) Review.

(d) Disciplinary actions, as defined in the policy entitled "Discipline," as appropriate.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 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.

302.3 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.

Officers may not restrain a person by applying pressure with the knee to the neck or throat of a person. This type of restraint is prohibited by Utah State Law.

302.3.1 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.

302.3.2 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. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

302.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.3.4 NOTIFICATIONS
Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

302.4 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.

302.5 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.

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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 commingling 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 continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints, 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.

302.7 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 their own actions (e.g., hitting their 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).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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(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).

302.8 REQUIRED DOCUMENTATION

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

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

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

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

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

302.9 TRAINING

Subject to available resources, the Training Unit sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

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(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 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 Use of Force policy.

Vascular neck restriction is prohibited by this Department. Choke holds are prohibited except in situations where deadly force would be considered reasonable. Utah Code Annotated 53-13-115 prohibits the restraint of a person by the application of a knee applying pressure to the neck or throat of a person. Violation of this code is considered an aggravated assault and will result in review by the District Attorney and investigation by the Utah Department of Public Safety, Peace Officer Standards and Training (POST).

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of the 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.

303.4 RESPONSIBILITIES

303.4.1 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.

303.4.2 TRAINING UNIT SERGEANT RESPONSIBILITIES

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

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

303.4.3 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, along with documentation explaining the cause of the damage, shall be returned to the Training Unit sergeant for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 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 its authorized 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.

303.5.1 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.
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.

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303.5.2 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.

303.6 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 Crisis Response Unit 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.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who reasonably appear to present a risk to the safety of officers or the public. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse.

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its 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.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas 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 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 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 Use of Force Policy.

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

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303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Officers will notify West Valley Fire EMT's or Paramedics when persons 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.

303.8 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 clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.9 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.

In the event that a suspect is struck with a kinetic energy projectile, 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.

303.9.1 DEPLOYMENT AND USE

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 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.

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303.9.2 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.

303.9.3 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.

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303.10 TRAINING FOR CONTROL DEVICES

The Training Unit sergeant 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 or recertified as necessary.

(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.

303.11 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 Use of Force policy.

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Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the Conducted Energy Device (CED), previously referred to in policy as "Tasers."

304.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING CONDUCTIVE ENERGY DEVICES

Only members who have successfully completed Department-approved training may be issued and carry the Conducted Energy Device (CED).

Conducted Energy Device (CED)s 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 Conducted Energy Device (CED) and cartridges that have been issued by the Department. Uniformed officers who have been issued the Conducted Energy Device (CED) shall wear the device in an approved holster on their person. Non-uniformed officers may secure the Conducted Energy Device (CED) in the driver's compartment of their vehicle.

Members carrying the Conducted Energy Device (CED) should perform a spark test on the unit prior to every shift.

When carried in any official capacity, officers shall carry the Conducted Energy Device (CED) in a weak-side holster on the side opposite the duty weapon and shall be drawn by the weak hand only. When worn on an external vest carrier, the holster shall be in a position to be drawn by the weak hand only and shall be drawn by the weak hand only.

(a) All Conducted Energy Device (CED)s 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 Conducted Energy Device (CED).

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

(d) Officers should not hold both a firearm and the Conducted Energy Device (CED) at the same time.

304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

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CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Training Unit sergeant for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED 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 comply voluntarily.

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

If, after a verbal warning, an individual fails to comply voluntarily with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

A warning arc or alert is intended to be a de-escalation technique and may only be used when the requirements for the application of the CED have been met. A warning arc, a function on the Taser 7, is activated by pointing the CED 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. A warning alert, a function on the Taser 10, is activated by pressing and holding the selector switch up past the arming position. When utilizing the warning alert, the device should be pointed at the subject(s), as a bright flashing light accompanied with a loud audible tone will be emitted from the front of the device.

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 CED in the related report.

304.5 USE OF THE CED

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

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

304.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

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(b) 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, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED 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 potential 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 known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) 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.

304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, officers should attempt, when practicable, to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully gained compliance from the subject, the officer should continually assess the subject(s) to determine if additional probe deployments or cycles reasonably appear necessary.

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Additional factors officers may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

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

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

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

(a) Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED.

(b) As soon as practicable, officers shall notify a supervisor any time the CED has been discharged.

(c) If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

304.6 DOCUMENTATION

(a) Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form.

(b) Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

(c) Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device other than for testing purposes, will also be documented on the report form (Utah Code 53-13-116; UAC R728-507-12).

(d) Data downloads from the CED after use on a subject should be done as soon as practicable using a Department-approved process to preserve the data.

304.6.1 CONDUCTED ENERGY DEVICE (CED) REPORTING

Items that shall be included in the Conducted Energy Device (CED) report form are:

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(a) The type and brand of Conducted Energy Device (CED) and cartridge and cartridge serial number.

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

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

(d) The number of Conducted Energy Device (CED) 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 Conducted Energy Device (CED) 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 sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Unit sergeant should also conduct audits of data downloads and reconcile Conducted Energy Device (CED) report forms with recorded activations. Conducted Energy Device (CED) information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 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.

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove Conducted Energy Device (CED) probes from a person's body. Used Conducted Energy Device (CED) probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken against possible blood-borne pathogens.

All persons who have been struck by Conducted Energy Device (CED) probes, or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls

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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 Conducted Energy Device (CED) 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) of the CED, shall be transported to a medical facility for examination or be 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 Conducted Energy Device (CED) (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the Conducted Energy Device (CED) may be used. A supervisor should respond to all incidents where the Conducted Energy Device (CED) was activated.

A supervisor should review each incident where a person has been exposed to an activation of the Conducted Energy Device (CED). The device's onboard memory should be downloaded through the data port by a supervisor or the Training Unit sergeant and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial Department-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to carrying or using the device again.

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

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

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

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

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Unit sergeant should include the following in CED proficiency training:

(a) A review of this policy.

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

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

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

(e) Scenario-based training, including virtual reality training when available.

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

(g) De-escalation techniques.

(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

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Officer-Involved Critical Incidents

305.1 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 (OICI).

305.2 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.

305.3 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 OICIs involving a Department officer. They may, however, assist in the investigation if requested by the Protocol Team Leader.

305.4 TYPES OF INVESTIGATIONS

OICIs involve several separate investigations. The investigations may include:

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.

(a) 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).

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

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

305.5 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.

305.5.1 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.

305.5.2 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 O C I 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).

305.5.3 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.

305.6 THE INVESTIGATION PROCESS

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

305.6.1 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.

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(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 Field 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.
- The assigned officer will maintain constant observation of the involved officer until told otherwise by the OICI Protocol Team.
- The assigned and involved officers will report directly to the West Valley City Police Station, or to another secure location, once advised by the on-scene commander, or until told to do otherwise by the investigating Protocol Team.

(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.

(m) Ensure the involved officer(s) is escorted to a secure facility for processing of evidence, when feasible.

305.6.2 FIELD COMMANDER DUTIES

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

305.6.3 NOTIFICATIONS

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

- Chief of Police.

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- Deputy Chiefs of Police.
- Investigations Section Lieutenant who will notify the OICI Protocol Coordinator.
- Professional Standards & Training Section supervisor.
- City Attorney's Office.
- Peer Support personnel.
- Officer Representative (if requested).

305.6.4 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.

305.6.5 INVOLVED OFFICERS

At the scene, the Field 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.

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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.

305.7 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 Unit 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 in order 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 Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

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7. The completed administrative investigation shall be submitted to the Professional Standards Review Board (PSRB), 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.

305.8 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.

305.9 VALLEY EMERGENCY COMMUNICATIONS CENTER RESPONSIBILITIES

The on-duty communications person shall:

(a) Dispatch any requested medical aid.

(b) Notify the field supervisor or Field 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.

305.10 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.

305.11 OICI TRAINING

The Investigations Lieutenant will ensure that periodic training occurs for personnel responsible for managing OICI events and for personnel potentially impacted by these events.

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Firearms

306.1 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.

306.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been inspected by an armorer. 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 in the Department-approved qualifier with a Department-approved firearms instructor..

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.

AUTHORIZED FIREARMS

The Training Unit shall maintain a list of all Duty, Secondary and Off-Duty firearms that have been approved for use by the Department armorer and Chief of Police or designee. Before being authorized to carry a firearm, officers shall be issued copies of, and demonstrate understanding of, this policy and the Use of Force policy.

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 or designated firearms instructor. 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.

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306.2.1 DUTY WEAPONS

The standard authorized Department-issued handguns are the Glock Models 17, 19, 26, 43 and 45. Officers desiring to carry a personally-owned duty weapon are subject to the following restrictions:

(a) The weapon must be on the list of authorized firearms maintained by the Training Unit or approved on an individual basis by the Department armorer and Chief of Police or designee. A letter of authorization will be placed in the officer's file.

(b) It will be the responsibility of the officer to submit the weapon to an armorer for inspection prior to being carried. An approved Department firearms instructor 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 annually. This shall be noted in the officer's training file. The officer will successfully qualify with the weapon prior to it being carried.

306.2.2 AUTHORIZED SECONDARY WEAPONS

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

(a) The weapon must be on the list of authorized firearms maintained by the Training Unit or approved on an individual basis by the Chief of Police, or designee. 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 a Department armorer annually for inspection prior to being carried. An approved Department firearms instructor 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 annually. This shall be noted in the officer's training file. The officer will successfully qualify with the weapon prior to it being carried.

(f) Ammunition shall be Department-issue. If the caliber of the weapon is other than Department-issue, the Chief of Police or designee 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 notice of the make, model, color, serial number, and caliber of a second weapon to the armorer.

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306.2.3 PATROL RIFLES

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.

(a) PATROL RIFLE DEFINITION

1. 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 by the Chief of Police or designee.
2. Only those officers assigned to the SWAT team may carry a Colt M4/Commando Model R0933 or any other fully automatic rifle.

(b) SPECIFICATIONS

1. 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.
2. All ammunition to be used for duty purposes will be approved by the Chief of Police or designee.
3. Any other rifle to be used will require inspection by the Department armorer and approval by the Chief of Police or designee with a letter of authorization.
4. Any alterations to Department-issued rifles or personally-owned rifles authorized for Department use will require an inspection by the Department armorer and approval in writing from the Chief of Police or designee.

(c) RIFLE MAINTENANCE

1. Primary responsibility for maintenance of patrol rifles shall fall on Department-approved armorers, who shall inspect each patrol rifle on a yearly basis and service the patrol rifles as necessary.
2. Each patrol officer carrying a patrol rifle will be required to field strip and clean an assigned patrol rifle as needed.
3. Each patrol officer shall be responsible for promptly reporting any damage to, or malfunction of, an assigned patrol rifle.
4. 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.
5. Each patrol rifle shall be subject to inspection by a supervisor or a Department armorer at any time.
6. 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 from the Chief of Police or designee.

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(d) TRAINING

1. 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. The Chief of Police or designee may consider training and experience in lieu of the patrol rifle Department training. Documentation supporting that consideration will be added to the employee's training file.
2. 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.

(e) PROVISION OF WRITTEN DIRECTIVES

1. Any employee of the Department who is 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.
2. Documentation of the issuance of, and instruction on, the directives listed above shall be recorded in the Department's training management software.

(f) 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.

g. DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Use of Force and Firearm Discharge policies.

h. PATROL READY

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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.

i. RIFLE STORAGE

1. Patrol rifles are the responsibility of the assigned officer and will be stored in a safe and secure manner.
2. Patrol rifles will not be left in an officer's assigned vehicle during vehicle maintenance or repair.
3. Officers on extended leave in excess of seven consecutive days, or on temporary modified duty will secure their patrol rifle in the Department armory or secure location inside their residence.
4. When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.
5. When off duty, officers will secure their patrol rifle in a secure location inside their residence.

306.2.4 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 on the list of authorized firearms maintained by the Training Unit or approved on an individual basis by the Chief of Police or designee. 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 and annually thereafter. A Department-approved 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 any Department-approved 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 annually. 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.

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(f) If any officer desires to use more than one weapon while off duty, they may do so, so 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.

306.2.5 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.

306.2.6 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.

306.2.7 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 maintained in the department policy management software..

306.3 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:

306.3.1 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-approved firearms instructors. Officers shall not dry fire or practice quick draws except under Department firearms instructor 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.

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(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 they have 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 a 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 a 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. Laser aiming devices are allowed to be used by officers assigned to specialty units. Officers may be allowed to mount a laser aiming device to a rifle that has been inspected and approved by the Department armorer. Laser aiming devices are not permitted on handguns unless authorized by the Department armorer for specific use such as shield work.

(k) Weapons originally manufactured with an integrated recoil compensator may be used for on-duty and off-duty use. Any weapon with a compensator must be able to be safely holstered in an appropriate duty or off-duty holster. Magna porting will not be allowed. Recoil compensators and flash hiders on rifles are permitted. 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.

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(n) Each officer must be able to demonstrate 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.

306.3.2 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.

306.3.3 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.

306.4 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 Use of Force 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.

306.4.1 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 their immediate supervisor and a member of the Department training staff prior to the end of the required shooting period.

Officers who fail to qualify with their duty weapon will be reassigned or relieved from duty until they are able to qualify. Appropriate disciplinary action may follow.

Officers 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.

306.5 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are prohibited.

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306.6 DESTRUCTION OF ANIMALS / INJURED ANIMALS

(a) 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.

1. 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.

(b) 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.

1. 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 their presence, or shall obtain consent to the destruction from the owner of the animal (Utah State Code § 76-9-305(3)).

2. The use of a firearm in these instances will not be considered a use of force or officer-involved critical incident but will be reported through the officer's chain in the same manner and will be classified as a firearm discharge.

306.7 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any officer who discharges a firearm intentionally or unintentionally, on or off duty, shall make a verbal report to their supervisor as soon as circumstances permit. If the discharge results in injury to or death of another person, additional statements and reports shall be made in accordance with the Officer-Involved Critical Incident policy. If a firearm was discharged as a use of force, the involved officer shall adhere to the additional reporting requirements set forth in the Use of Force policy.

In all other cases, written reports shall be made as follows:

(a) If on duty at the time of the incident, the officer 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.

306.8 RANGE MASTER DUTIES

During training activities at a firing range, the range will be under the exclusive control of the designated range master. All officers 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

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ammunition and weapons while at the range. Range supervisory personnel must be certified firearms instructors and have training in emergency medical response.

306.9 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 an option exercised by the individual officer, that officer will be responsible for the furnishing, maintenance, and repair of such weapon.

306.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

(a) The Department armorer and/or approved factory gunsmith shall be the only person authorized to repair or modify any Department-owned weapon for which the Department armorer is certified as an armorer.

(b) 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.

(c) Any repairs or modifications to the officer's personally owned weapon shall be done at the officer's expense and must be approved by the Department armorer.

306.10 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.

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(d) Officers must have completed the mandated TSA security training that covers 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 the officer's 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.

306.11 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), to meet the following conditions:

(a) An active full-time officer shall carry 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 the officer has met the necessary qualification standards.

(b) Officers will remain subject to this and all other Department policies (including firearms 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 prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authorities may not shield an officer from arrest and prosecution in such locally-restricted areas.

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).

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Vehicle Pursuits

307.1 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.

307.1.1 DEFINITIONS

Definitions related to this policy include (UAC R728-503-2):

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.

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

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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.

Residential neighborhoods - Urban districts with posted, or prima facie, 25 mph speed limits.

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 a fleeing vehicle in which the driver exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so.

307.2 OFFICER RESPONSIBILITIES

It shall be the policy of the Department that a vehicle pursuit shall be conducted only with emergency lights and siren as required by Utah Code 41-6a-212 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.

307.2.1 WHEN TO INITIATE A PURSUIT

(a) Officers in Department vehicles with operable emergency vehicle equipment and radio may initiate a vehicular pursuit when the following criteria are met (UAC R728-503-4):

1. The suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so.
2. 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 (UAC R728-503-4):

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.
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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.

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 vehicle pursuit 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. Under no circumstances will a pursuit continue when the status of "DO NOT PURSUE/ DISCONTINUE" is met in the matrix. Any high-risk factor pursuit should be highly scrutinized and justified to continue. A pursuit with more than two medium-risk factors should be highly scrutinized and justified to continue.

Low risk factors include:

- Clear weather.
- Dry roads.
- Speeds below or at posted limit.
- Light traffic density.

Medium risk factors include:

- Medium traffic density.
- Reduced visibility / illumination.
- Additional traffic violations.
- Suspect identity known.
- Unreasonable speed.
- Other jurisdiction pursuit.
- Pursuit entering another jurisdiction.
- Commercial areas.
- Frequent intersections.
- Narrow roadways.

High risk factors include:

- Residential neighborhoods.
- Active school zones.

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- Occupied parking lots.
- Traveling against the flow of traffic.
- Reckless / wanton vehicle operation.
- Heavy traffic density.
- Pedestrian traffic.
- Inclement weather.

See attachment: Vehicle Pursuit Matrix.pdf

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; Discontinue when risks exceed known threat to public safety presented by the perpetrator if capture is delayed.
Any other incident where an officer has knowledge that serious harm or death has been or may be 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.	**DO NOT PURSUE/ DISCONTINUE**
All other traffic / civil violations.	**DO NOT PURSUE/ DISCONTINUE**	**DO NOT PURSUE/ DISCONTINUE**	**DO NOT PURSUE/ DISCONTINUE**

307.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should 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

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motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue pursuit and stop chasing the fleeing vehicles.

In addition to the factors listed above, the following factors should also be considered in deciding whether to terminate a pursuit (UAC R728-503-9):

(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 pursuing 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 should 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.

307.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should 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.

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307.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles and, if warranted under the circumstances, a supervisor. However, the number of units involved will vary with the circumstances (UAC R728-503-5). 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. All other officers should stay out of the pursuit, but should 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.

307.3.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit vehicle as soon as practicable.

307.3.2 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 (UAC R728-503-7).

307.3.3 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 (UAC R728-503-7).

The pursuing officer shall activate headlights and all emergency equipment upon initiating a pursuit.

The pursuing officer shall immediately notify Dispatch 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 Dispatch 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.

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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 should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary vehicle or aircraft joining the pursuit as soon as practical.

307.3.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

(a) The officer in the secondary vehicle should 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 should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

307.3.5 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 should 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 should exercise due caution when proceeding through controlled intersections.

(c) Officers should generally not pursue a vehicle that is driving left of center (wrong way) on a roadway.

(d) Officers shall notify the Utah Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

(e) Officers involved in a pursuit should 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.

307.3.6 TACTICS / PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There shall be no paralleling of the pursuit route (UAC R728-503-7). 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 should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

307.3.7 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.

307.3.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air vehicle has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air vehicle should 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.

307.4 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 (UAC R728-503-6).

After being notified of a pursuit, a supervisor shall:

(a) Ensure proper radio channels and procedures are in use.

(b) Ensure tactics are in conformance with any policy of the Department.

(c) Ensure only the necessary numbers of units are involved.

(d) Ensure allied agencies are notified.

(e) Consider aborting the pursuit if cause exists.

(f) Consider air support availability and practicality.

(g) Ensure post-incident notifications.

(h) Ensure that proper written reports are completed and forwarded to the Bureau Commander (UAC R728-503-6).

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The supervisor should proceed to the termination point of the pursuit and provide appropriate assistance and supervision at the scene, when practicable.

307.4.1 WATCH COMMANDER RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Watch Commander should 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 Bureau Commander.

307.5 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 or communications dispatcher. If the pursuit leaves the jurisdiction of the Department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel that is most accessible by participating agencies and units.

307.5.1 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch shall immediately advise a field supervisor of essential information regarding the pursuit (UAC R728-503-5).

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 should be notified.

307.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary vehicle should 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.

307.6 INTER-JURISDICTIONAL CONSIDERATIONS

The primary unit shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line (UAC R728-503-8). When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration

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distance traveled, unfamiliarity with the area, and other pertinent facts, should 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.

307.6.1 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 should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should 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 should relinquish control.

307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this Department should 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 should 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 should 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.

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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.

307.7 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 (UAC R728-503-7). Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should 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 should be reasonable in light of the circumstances confronting the officer at the time of the decision.

307.7.1 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 around 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. Officers who have not received Department-approved training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) The Pursuit Intervention Technique (PIT), which Department officers had been trained on historically, is no longer taught or authorized for use on vehicles which refuse to comply with vehicle stops.

(b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officers' disposal have been exhausted. This tactic should 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 should be present:

1. 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 serious threat to the public that is present or immediately foreseeable, the use of ramming is not authorized.
2. The standard for the use of deadly force has been met.

(c) The use of blocking-in as a technique for terminating or preventing pursuits is only authorized for those officers trained in this technique and whose vehicles are properly

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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 on moving vehicles 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. Tire deflating devices will only be used on a motorcycle if deadly force is justified and a supervisor has determined it to be reasonable. If the pursued vehicle is transporting hazardous materials, or is a school bus transporting children, officers and supervisors shall weigh the potential consequences against the need to immediately stop the vehicle.

(e) Tire deflation devices may also be used on stationary vehicles with prior supervisory approval in an attempt to prevent a potential pursuit. Officers shall carefully weigh the potential risks associated with the deployment of a tire deflation device or similar device to the public, the occupants of the vehicle, and involved officers. Department-approved tire deflation devices should only be deployed on stationary vehicles when the officer reasonably believes the vehicle may flee once the officer contacts the driver. Tire deflation devices should not be used on stationary motorcycles to prevent a pursuit. Officers are required to train on how to use any tire deflation device prior to deploying it.

(f) Roadblocks are prohibited unless the circumstances would warrant the use of deadly force. Roadblocks should only be established with a supervisor's approval. If a roadblock is established officers must:

1. Allow the suspect vehicle reasonable stopping distance.
2. Not place themselves or their vehicle 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.

307.7.2 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 (UAC R728-503-7).

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307.7.3 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 should coordinate efforts to apprehend the suspects following the pursuit. Officers should 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.

307.8 REPORTING AND REVIEW REQUIREMENTS

The primary officer shall complete the appropriate crime/arrest reports. A pursuit report should contain at a minimum:

(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 identity of the officers involved in the pursuit.

(d) The means or methods used to stop the suspect being pursued.

(e) The charges filed with the court by the prosecuting attorney.

(f) The conditions of the pursuit, including, but not limited to, all of the following:

1. Duration.
2. Mileage.
3. Number of officers involved.
4. Maximum number of units involved.
5. Time of day.
6. Weather conditions.
7. Maximum speeds.

(g) 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.

(h) Whether the pursuit involved multiple agencies.

(i) How the pursuit was terminated.

(j) After first obtaining available information, the supervisor shall promptly complete a supervisor's report to command staff, briefly summarizing the pursuit. This memo should minimally contain the following information:

1. Date and time of pursuit.

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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.
10. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.

307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

Officers shall not engage in a pursuit until they have successfully completed the Department-approved Emergency Vehicle Operations (EVO) course. Officers will receive documented initial training in pursuit policies during the Department In-House Academy. Officers shall also be required to attend an annual course that specifically covers any policy adopted by the Department regarding pursuits, which shall be documented. (UAC R728-503-10).

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 (Utah Code 41-6a-212).

307.8.2 CHIEF REVIEW

The Chief of Police shall review each pursuit that results in injury or property damage and determine whether involved members complied with Department policies. The Chief of Police shall document and appropriately remedy any policy violations through the disciplinary process (Utah Code 41-6a-212).

307.8.3 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.

307.8.4 MANDATORY COUNSELING

Any officer involved in a pursuit resulting in death or serious bodily injury to any person is required to attend a timely critical incident debriefing arranged by the Bureau Commander of the involved officer.

The Bureau Commander will 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.

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307.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Utah Code 41-6a-212 It incorporates the guidelines developed pursuant to Utah Code 41-6a-212 and established in UAC R728-503.

307.9.1 DISCIPLINE

Violation of this policy, irrespective of damage or injury, will subject the offending officer(s) to administrative discipline.

307.10 PURSUIT ANALYSIS

An annual analysis of all pursuits will be conducted to determine the need for training, and any modification to Department policy and reporting procedures to ensure the safety of officers and the public. This review will be documented and forwarded to the Chief of Police for approval.

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Officer Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

308.2 RESPONSE TO CALLS

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 shall sound the siren as reasonably necessary (Utah Code 41-6a-212).

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.

Officers responding Code-3 shall not exceed the posted speed limit by more than 20 mph unless they can articulate extenuating circumstances that clearly justify a higher speed. Additional considerations of reasonableness shall be applied when operating on neighborhood streets. This 20 mph limit does not apply during pursuit driving.

308.3 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 ofofficers, 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 Dispatch.

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.

308.3.1 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 additional vehicles.

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308.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall notify Dispatch of the Code-3 response as soon as practicable, and should avoid doing so when tying up radio traffic could place other officers' safety in jeopardy. Generally, only one vehicle should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Dispatch 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.

308.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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 such a degree that they shall have complete control of the vehicle.

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 Dispatch. 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 should give the location from which they are responding.

308.6 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.

308.7 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.

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(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.

308.8 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 Dispatch of the equipment failure so that another vehicle may be assigned to the emergency response.

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Body Worn Cameras

309.1 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.

309.2 POLICY

It is the policy of this Department that selected 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.

(a) The captured data from the BWCs will be handled and stored through a web-based, digital storage facility.

(b) This policy does not cover the use of in-vehicle cameras or the use of surreptitious recording devices used in undercover operations.

309.3 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 online 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.

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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.

Live Streaming – A feature within Evidence.com known as "Axon Respond" that allows specified users to view live footage as it is being recorded from a selected body camera.

309.4 GENERAL PROCEDURES

(a) Only those employees who 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.

1. 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.

(b) The BWC system will be issued by the Training Unit to each individual employee 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.

(c) Each member of the Department 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 employee 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.

(d) In the event that any damage occurs to the BWC or a malfunction occurs at the beginning, during, or end of a shift, the employee will notify his or her immediate Supervisor. A replacement device will be issued to the employee 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 employee 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 employee's regular assigned duties by a memo to the employee's immediate supervisor and forwarded through the chain of command.

(e) The BWC system will be utilized by members 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:

1. Any citizen contact that could result in a report being taken, including telephone contact.

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2. All arrests and investigative detentions.
3. Traffic stops.
4. Vehicle and foot pursuits.
5. All searches unless otherwise noted in this policy.
6. Serving a warrant or conducting searches or seizures pursuant to a warrant or exception to the warrant requirement, regardless of whether the public is present.
7. Subject, victim or witness interviews unless otherwise directed.
8. When advising an individual of their Miranda rights.
9. During interrogations and interviews.
10. Any use of force.
11. Any other contact that becomes adversarial.

(f) An employee who is issued a BWC shall wear it so that it is clearly visible to the person being recorded. Any other applications or mounting options will be at the discretion of the Chief of Police.

(g) The BWC camera system will be turned on at the beginning of the employee's shift and remain in the "Normal" or "Buffer" mode throughout the entire shift.

(h) Whenever practicable, the employee shall position his or her BWC so as to optimize the recorded field of view.

(i) Department members 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 employee deems necessary and in accordance with this policy.

1. The BWC is to remain activated and in the "Event" mode throughout the entirety of an encounter or until the Department member leaves the scene. This is to ensure the integrity of the recording and to document all actions taken by the employee as well as interactions with involved parties.
2. Members of the Department may deactivate a BWC during a conversation with a sensitive victim of a crime, witness to 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 employee deactivate the employee's BWC; and the employee 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.
3. The on scene supervisor may authorize deactivation during an ongoing crime scene where there is an extended waiting time and the scene is documented by photographs and crime scene logs. The BWC will be activated during encounters with the public and during evidence collection.

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4. Given the compulsory nature of Public Safety Statements taken by supervisors after officer involved critical incidents, members of the Department should deactivate their BWC prior to answering those compelled questions.

5. If an employee deactivates a BWC, the employee shall document the reason for deactivating a BWC in a written report.

(j) Department members 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 employee 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.

(k) An employee shall report any malfunctioning equipment to his/her supervisor.

(l) 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.

309.5 USE OF BWC IN THE LOBBY OF THE POLICE DEPARTMENT

The lobby of the Police Department is equipped with cameras to capture video and audio continuously. Officers who are assigned to the lobby do not need to activate their BWC during interactions with the public in the lobby area. If for any reason the officer exits the lobby, or deals with an incident where BWC video would be beneficial or have evidentiary value, then the officer will follow general procedures governing use of the BWC.

309.6 UNAUTHORIZED MANIPULATION OF RECORDING PROHIBITED

Under no circumstances will a member of the Department 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 the Chief's 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.

309.7 REVIEW OF MEDIA

(a) 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.

(b) Officers involved in any officer-involved critical incident will be permitted to review their own recording when requested.

1. 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.

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2. 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 exist, such as an injured officer and the need to identify the involved suspect; or with the approval of the Chief of Police.

(c) Officers will not allow a citizen or other involved party to review any part or portion of a BWC recording. A supervisor may authorize an exception as a matter of mitigating personnel complaints. The authorizing supervisor will only allow the citizen to review relevant portions of the BWC footage and will only provide access to the footage while physically present with the complaining party.

(d) Supervisors will be authorized to review recordings in the field if it is deemed necessary to mitigate citizen complaints or when exigent circumstances exist.

(e) 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.

(f) 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.

309.8 PART-TIME OR OUTSIDE EMPLOYMENT USE

(a) Officers who have a BWC issued to them will utilize it in the course of 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 enforcement operations), 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.

(b) 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 BWCs. 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, officers will contact their immediate supervisors and/or the Planning & Research Section Lieutenant over secondary employment for approval.

(c) 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.

(d) The only exceptions to this policy will be those approved by the Chief of Police.

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309.9 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 Department members are present to maintain order and ensure public safety.

309.10 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.

309.10.1 TASK FORCE MEMORANDUM OF UNDERSTANDING (MOU)

The Task Force Memorandum of Understanding (MOU) with each of the various federal agencies sponsoring the task forces in which Department personnel participate shall articulate the parameters under which federally deputized Task Force Officers (TFOs) will use a BWC during federal task force operations, and the storage/retention of those recordings. The MOU or addendum to a preexisting MOU shall be in place prior to use of BWCs by TFOs.

309.10.2 TASK FORCE OFFICERS WILL USE BWC IN ACCORDANCE WITH DOJ POLICY

For federal task forces in which the Department participates, the use of a BWC will be consistent with the federal Department of Justice (DOJ) policy governing the use of BWCs by federally deputized Task Force Officers (TFOs) and the rules, regulations, policies or practices of the federal task force or outside agency.

Consistent with the DOJ BWC policy, federally deputized Department personnel functioning in a task force assignment will wear and activate their BWC for the purpose of recording their actions only during (1) a planned attempt to serve an arrest warrant or other planned arrest, or (2) during

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the execution of a search warrant. TFOs will deactivate their BWCs when the scene is deemed secured by the designated federal supervisor on scene.

TFOs are prohibited from recording undercover personnel, confidential informants/sources, on-scene witness interviews prior to or after the operation, personnel using specialized or sensitive investigative techniques or equipment, or on-scene actions by any non-law enforcement persons who are assisting law enforcement personnel prior to or after the operation. TFOs are prohibited from activating their BWC if the TFO is using specialized or sensitive investigative techniques, operating in a sensitive area, or working in an undercover or covert status on behalf of the federal task force or the federal agency sponsoring the task force. TFOs generally shall not use their BWCs to record any activities related to investigations involving public corruption, medical facilities, national security, or other sensitive investigations.

309.11 MEDIA STORAGE AND RETENTION

(a) 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.

1. 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.

2. 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.

(b) 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.

(c) 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.

(d) Only approved docking stations will be used to upload and recharge BWCs.

(e) A case number will be attached to each recording and a video category must be selected by the officer to allow for proper retention.

(f) 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 a litigation hold requiring retention of the BWC data beyond the legal retention period.

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309.11.1 STORAGE OF TFO BWC RECORDINGS IN FEDERAL TASK FORCE OPERATIONS

A TFO who activates a BWC during a federal task force operation is responsible for downloading the BWC recording into the Department's web-based digital storage facility.The TFO shall designate all task force related BWC recordings under the category "Federal Recording" in addition to any other applicable recording categories. The category "Federal Recording" shall restrict access to the recording to the TFO who captured the recording, the Special Operations chain of command, and Command Staff. Access to TFO BWC recordings will also be provided to the federal chain of command as designated by the TFO's sponsoring federal agency.

TFO BWC recordings made during federal task force operations shall be deemed federal records pursuant to the Federal Records Act. TFO BWC recordings shall be treated as law enforcement sensitive information and shall be subject to applicable federal laws, rules, and policy governing the disclosure and/or dissemination of such records. The federal agency sponsoring the task force is responsible for considering requests to release TFO BWC recordings. When such a request for release of a TFO BWC recording is received by the Department, it shall be forwarded to the Special Operations Lieutenant and the City Attorney's Office for coordination with the relevant federal agency. These recordings cannot be disseminated without the written permission of the DOJ except under the following conditions:

(a) Internal Dissemination – The Department is authorized to use TFO BWC recordings for internal investigations of its personnel consistent with the Department's policies and procedures but may not disseminate TFO BWC recordings outside of the Department for public release without the written permission of the DOJ. The Department shall provide written notification to the sponsoring federal agency prior to any internal review.

(b) Expedited Public Release – If TFO BWC recording(s) depict conduct committed solely by a TFO resulting in serious bodily injury or death of another, the Department shall notify the sponsoring federal agency and the United States Attorney as early as possible if it desires to publicly release the TFO's BWC recording(s). The sponsoring federal agency and the United States Attorney will expeditiously review the recording(s) and provide official concurrence with public release as soon as practical unless there are specific and compelling circumstances justifying an objection to public release that cannot be resolved by redaction or other means. Upon official concurrence, the Department may immediately release the recording(s) with any agreed-upon redactions, giving as much advance notice as possible to the sponsoring federal agency and United States Attorney as to the time and manner of its release.

309.12 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 a 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 reviewed by the officer's immediate supervisor. If approved, the officer's lieutenant will contact

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a system administrator to facilitate the deletion. Lieutenants who need one of their recordings deleted will submit a request to another lieutenant or the Bureau Deputy Chief.

309.13 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 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).

(a) 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.

(b) This policy will not conflict or interfere with the release of recordings pursuant to a court order or valid subpoena.

309.14 LIVE STREAMING

BWC cameras may be activated for live streaming by a supervisor or system administrator for any legitimate business purpose. Additionally, any Intelligence Analyst working the Real Time Crime Center may also activate the live streaming feature to assist in gathering live intelligence related to the in-progress investigation. Real time notice shall be provided to any involved officer whenever practicable if an officer's BWC is activated for live streaming.

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Portable Audio/Video Recorders

310.1 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. Portable audio/video recording devices include all recording systems whether body-worn, handheld, or integrated into portable equipment (Utah Code 77-7a-102).

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any West Valley City Police Department facility, or to wiretaps or eavesdropping (concealed listening devices). Except to the extent provided in Utah Code 77-7a-104, this policy does not apply to officers engaged in undercover operations or assigned to a narcotics unit or a task force engaged primarily in narcotics investigations.

Additional guidance regarding the use of body-worn cameras during the execution of a warrant is found in the Warrant Service Policy.

310.2 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.

310.3 COORDINATOR

The Chief of Police or the Chief's authorized designee will designate a coordinator responsible for establishing procedures for (Utah Code 77-7a-102):

(a) The security, storage, and maintenance of data and recordings.

(b) Accessing data and recordings.

(c) Logging or auditing access.

(d) Transferring, downloading, tagging or marking events.

310.4 DEPARTMENT MEMBER PRIVACY EXPECTATION

All recordings made by members on any Department-issued device at any time, and any recording made while acting in an official capacity of this Department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

310.5 DEPARTMENT MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member of the Department 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. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed

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members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Utah Code 77-7a-104;Utah Code 77-7a-105).

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. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, WVCPD identification 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 (Utah Code 77-7a-104).

Members of the Department should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation (Utah Code 77-7a-104).

310.6 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members of the Department should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder shall be activated in any of the following situations (Utah Code 77-7a-103; Utah Code 77-7a-104):

(a) All enforcement and investigative contacts including stops and field interview situations.

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops.

(c) Self-initiated activity in which a member would normally notify Dispatch.

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

(e) Any use of force.

(f) Dispatched calls for service.

(g) Execution of a warrant.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording.

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Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media (Utah Code 77-7a-102). However, the recorder should be activated in situations described above as soon as reasonably practicable (Utah Code 77-7a-104).

310.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped (Utah Code 77-7a-104):

(a) During significant periods of inactivity such as report writing or other breaks from direct participation in the incident, including consultation with a supervisor or other officer.

(b) When speaking with a victim, witness, or person wishing to report or discuss criminal activity if both of the following apply:

1. The subject of the recording requests deactivation.
2. The Department member believes the value of the information outweighs the value of the potential recording.

(c) During a conversation with a victim of a sexual offense or domestic violence if:

1. The member is conducting an evidence-based lethality assessment.
2. The victim or the member believes that deactivating the body-worn camera recording will either:
    (a) Encourage complete and accurate information sharing by the victim, or
    (b) Is necessary to protect the safety or identity of the victim.
3. The body-worn camera is reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete.

The Department member should record the request to deactivate the portable recorder. A member should document any instance where he/she should have activated his/her body-worn camera but failed to do so, and the reason for the failure (Utah Code 77-7a-104).

310.6.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Utah law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Utah Code 77-23a-4).

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another Department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

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310.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

310.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using Department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity. Members may not alter or delete a recording captured on a portable recorder (Utah Code 77-7a-106).

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 (Utah Code 77-7a-106).

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, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

310.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members of the Department should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone's privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

(g) Recorded content contains sound or images from a residence (Utah Code 63G-2-302).

(h) Recorded content contains sound or images from a hospital, health care facility, human service program, or the clinic of a health care provider (Utah Code 63G-2-305).

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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.

310.9 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule and as required by any applicable federal, state and local law (Utah Code 77-7a-107).

310.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

310.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Critical Incidents Policy and Death Investigations Policy for guidance in those cases). However, members shall not retain personal copies of recordings. 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 or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the Department member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint investigation, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

310.11 PUBLIC ACCESS

The Records Section Director should ensure that this policy is available to the public in written format as well as published to the Department website (Utah Code 77-7a-105).

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Canine (K9) Program

311.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community.

Highly trained teams of handlers and canines in the K-9 Program supplement police services and operations by locating individuals and contraband, and apprehending criminal offenders.

311.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a subject if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the subject poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The subject 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 subject 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.

The Department recognizes that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a subject has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a subject.

Once the subject has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practical.

If the canine has apprehended the subject with a secure bite, and the handler believes that the subject no longer poses a threat, the handler should promptly command the canine to release the subject.

311.2.1 PREPARATION FOR DEPLOYMENT

(a) Prior to the use of a canine to search for or apprehend any subject, the canine handler and/or the supervisor on scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to (UAC R728-507-9):

1. The nature and seriousness of the suspected offense.
2. Whether violence or weapons were used or their use is anticipated.
3. The degree of resistance or threatened resistance, if any, the subject has shown.

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4. The subject's known or perceived age.
    i. A canine shall not be deployed in instances involving a known juvenile subject unless the juvenile poses an imminent threat of serious bodily injury or death to the officer or another person.
5. The potential for injury to officers or the public caused by the subject if the canine is not utilized.
6. Any potential danger to the public and/or other officers at the scene if the canine is released.
7. The potential for the subject to escape or flee if the canine is not utilized.

(b) As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved officers to minimize the risk of unintended injury.

(c) It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever the handler deems deployment is unsuitable.

(d) A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

(e) Unless otherwise directed by a supervisor, assisting Department members should take direction from the canine handler in order to minimize interference with the canine.

311.2.2 WARNINGS TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, two clearly audible warnings shall be made to announce that a canine will be released if the person does not come forth. 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 from 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.

311.2.3 USE OF NARCOTICS-DETECTION CANINES

A narcotic-detection trained canine may be used in accordance with current law under the following circumstances:

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(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.

A narcotic-detection canine will not be used to search a person for narcotics.

311.2.4 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 agency's 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.

311.2.5 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.

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(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.

311.2.6 REPORTING CANINE USE, BITES, AND INJURIES

(a) 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 reviewed at least weekly by a canine supervisor and maintained in an electronic file in the Records Management System.

(b) Whenever the use of the canine results in a bite or any injury to an intended subject, the injured person shall be promptly treated by Emergency Medical Services personnel, a supervisor should be promptly notified, and a Use of Force Report shall be completed and included with any related incident report (UAC R728-507-9; UAC R728-507-12).

1. 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 subject until treatment has been rendered.

2. 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.

(c) Any unintended bite or injury caused by a canine, whether on or off duty, shall be promptly reported to the Canine Unit Supervisor. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a Canine Use Report.

311.2.7 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.

The injury will be documented in an Inter-Departmental Correspondence (IDC) memo to the Deputy Chief over the Patrol Bureau.

311.2.8 ASSIGNMENT

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.

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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.

311.3 REQUESTS 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.

311.3.1 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 West Valley City 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.

311.3.2 REQUESTS 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.

311.4 QUALIFICATIONS AND SELECTION OF CANINE HANDLERS

(a) The minimum qualifications for the assignment of canine handler include:

1. An officer who is currently off probation, with two years of experience as a West Valley City Police Officer.
2. Reside in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
3. Living within 35 driving miles from the West Valley City limits.
4. Agree to be assigned to the position for a minimum of three years.

(b) The canine handler selection process will follow the guidelines set forth in the policy regarding Specialized and Collateral Assignment Transfers.

311.5 CANINE HANDLER RESPONSIBILITIES

311.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by a Canine Supervisor.

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311.5.2 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.

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- 3' to 5' waist lead.
- Muzzle for training and safety (patrol dogs).
- K-9 trauma pack or first-aid kit.

311.5.3 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.

311.5.4 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.

311.7 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided below.

311.7.1 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.

311.7.2 EMERGENCY MEDICAL CARE
The handler shall notify the Canine Unit Supervisor 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.

311.7 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:

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(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 Canine Unit.

(f) Be responsible for scheduling all canine-related activities.

(g) Ensure the canine teams are scheduled for monthly training to maximize the capabilities of the teams.

(h) Ensure that police canines are selected from reputable sources; are evaluated to ensure they have the necessary temperament and drive; and receive training that meets Utah POST certification for usage as a police canine.

311.8 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Utah Peace Officer Standards and Training (POST) Service Dog Program requirements or other recognized and approved certification standards (Utah Code 53-6-402; UAC R728-508-4). Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all Department members in order to familiarize them with how to conduct themselves in the presence of Department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

311.8.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to Utah POST Service Dog Program or other recognized and approved certification standards on an annual basis (Utah Code 53-6-402; UAC R728-508-7). Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the West Valley City Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

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311.8.2 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.

311.8.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

311.8.4 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(g); UAC R156-37-306).

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

311.8.5 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this Department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the Canine Unit Supervisor with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

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(f) The Canine Unit Supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Evidence Unit 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.

311.9 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; Utah Code 76-15-210).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The Canine Unit Supervisor shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the Canine Unit Supervisor, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Domestic Violence and Violations of Court Orders

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines necessary to deter, prevent, and reduce domestic violence and violations of court orders through vigorous enforcement and to address these offenses as serious crimes 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 and violations of court orders (Utah Code 53-25-1102).

312.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All orders related to domestic violence, jail release agreements, jail release court orders, protective orders, and stalking injunctions that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - Any crime involving the actual, threatened, or attempted violence or physical harm of a cohabitant. Domestic violence also includes committing or attempting to commit any crime listed in Utah Code 77-36-1 by one cohabitant against another.

Protective order - A protective order or ex parte protective order including Child Protective Orders, Dating Violence Protective Orders, Sexual Violence Protective Orders, Cohabitant Abuse Protective Orders, Criminal Protective Orders, and Workplace Violence Protective Orders (Utah Code 53-25-1101).

Stalking injunction - A civil or criminal injunction or ex parte injunction (Utah Code 53-25-1101).

Jail release agreement - A written agreement specifying release conditions for a suspect who is arrested or issued a citation for a domestic violence offense (Utah Code 53-25-1101; Utah Code 78B-7-801).

Jail release court order - A court order specifying release conditions for a suspect who is arrested or issued a citation for a domestic violence offense (Utah Code 53-25-1101; Utah Code 78B-7-801).

312.2 POLICY

The West Valley City Police Department's response to incidents of domestic violence and violations of court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence and court order violations are 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.

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312.3 OFFICER SAFETY

The investigation of domestic violence and court order violations 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.

312.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence and court order violations:

(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 at the time of the offense. The names of other children who may be affected but who are not present at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted officers should 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 Investigations 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) Firearms or other dangerous weapons should be seized, if appropriate and legally permitted, for safekeeping or as evidence (Utah Code 76-5-106.5; Utah Code 77-36-2.1; Utah Code 78B-7-408).

(i) Officers shall 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. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.

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5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

(j) If the offense is alleged against an intimate partner, the officers shall conduct the lethality assessment protocols required by Utah Code 77-36-2.1. The lethality assessment shall be recorded on the appropriate form and the results submitted to the Department of Public Safety while on scene or as soon as reasonably practicable (Utah Code 77-36-2.1).

312.4.1 IF A SUSPECT IS ARRESTED

If a physical arrest is made where the suspect is booked into jail, the arresting officer shall ensure that the arrestee is served with written notice containing the following information:

(a) The arrestee may not contact the victim before being released.

(b) 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.

If a non-physical arrest is made, where the arrestee is released with a citation, the arresting officer shall ensure that the arrestee is served with written notice containing the following information:

(a) The arrestee may not be released on citation unless, as a condition of that release, the arrestee agrees in writing that 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.

It will be the duty of the arresting officer to ensure that the jail release agreement is entered into UCJIS as soon as possible after the citation is issued.

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In the event that a jail release agreement needs to be modified or canceled, any officer or supervisor can complete the transaction in UCJIS. Documentation supporting the modification or cancellation shall be included in a supplemental report.

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.

312.4.2 IF NO ARREST IS MADE

If no arrest 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 assistance).

(b) Document the resolution in a report.

312.4.3 WAIVER OF JAIL RELEASE AGREEMENT

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 Violent Crimes Unit to meet the victim at a mutually-agreeable location to sign the waiver. A 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.

312.5 INVESTIGATIONS OF VIOLATIONS OF COURT ORDERS

Officers should comply with the following when investigating violations of court orders:

(a) Officers should confirm the existence and terms of a court order and determine whether the suspect has been properly served or was present when the order was issued.

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1. Officers should use the statewide domestic violence network to verify an order issued by or registered with a court in this state and determine whether it has been violated (Utah Code 78B-7-113).
2. Officers may rely upon a copy of a court order, the statements of the victim, or other reliable information to determine whether there is probable cause to believe that a foreign court order exists and has been violated (Utah Code 78B-7-304; Utah Code 78B-7-116).

(b) If an order exists but cannot be enforced because the suspect has not been served, officers should notify the suspect of the order's existence and make a reasonable effort to serve it (Utah Code 78B-7-304).

(c) Officers should make reasonable attempts to determine whether a suspect has prior violations of court orders.

1. Prior convictions should be documented in appropriate reports for consideration in charging and bail decisions.
2. Repeat offenders should be properly charged in accordance with Utah Code 77-36-1.1.

312.5.1 FOREIGN COURT ORDERS

Various types of orders may be issued by other jurisdictions 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; Utah Code 78B-7-116; Utah Code 78B-7-304). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

312.5.2 CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS

If there is probable cause to believe a valid Canadian domestic violence protection order exists and has been violated, an officer shall enforce the terms of the order as if it were the order of a court in this state (Utah Code 78B-7-1202).

312.6 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected. The following applies to domestic violence and violations of court orders (Utah Code 77-36-2.1; Utah Code 78B-7-113; Utah Code 78B-7-408):

(a) Officers who respond to allegations of domestic violence and violations of court orders shall use all reasonable means to protect the victim, prevent further violence, and enforce court orders.

(b) Victims shall be provided with the Department's domestic violence information handout, even if the incident may not rise to the level of a crime.

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(c) Victims shall also be alerted to any available victim advocates, shelters, and community resources and advised of the results of the lethality assessment if applicable.

(d) When an involved person requests law enforcement assistance while removing essential items of personal property, officers shall stand by for a reasonable amount of time.

(e) If the victim has sustained injury or complains of pain, the officer shall seek medical assistance for the victim as soon as practicable.

(f) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.

(g) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) If appropriate, officers shall seek or assist the victim in obtaining an emergency order.

(i) When applicable, the victim should be provided with the required information from the Department of Public Safety regarding the right to voluntarily turn over a firearm to a law enforcement agency for safekeeping.

312.7 DISPATCH ASSISTANCE

All calls of domestic violence or violations of court orders, 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.

312.8 LEGAL MANDATES AND RELEVANT LAWS

Utah law provides for the following:

312.8.1 STANDARDS FOR ARRESTS

(a) An officer responding to a domestic violence call shall arrest or issue a citation to a suspect if there is probable cause to believe an offense has occurred. The offense need not occur in the officer's presence (Utah Code 77-36-2.2).

1. 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 and there is evidence the order has been served or the suspect was present when the order was issued (Utah Code 77-36-2.4; Utah Code 78B-7-119).

2. An officer shall arrest a suspect whenever there is probable cause to believe there will be continued violence against the victim or if there is evidence that the suspect has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence offense (Utah Code 77-36-2.2).

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3. An officer shall only release a suspect after issuing a citation if the suspect signs a jail release agreement. A suspect who refuses to sign a jail release agreement shall be taken before a magistrate (Utah Code 78B-7-802).

(b) An officer receiving complaints of domestic violence from two or more opposing persons should arrest the predominant physical aggressor. To determine the predominant aggressor, the officer shall evaluate each complaint separately and consider (Utah Code 77-36-2.2):

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.

(c) An officer shall 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 (Utah Code 77-36-2.2).

(d) Whenever a suspect is arrested or issued a citation and subsequently released subject to a jail release agreement, the releasing officer shall (Utah Code 78B-7-802):

1. Make a reasonable effort to notify the victim of the suspect's release, that the victim has a right to initiate a criminal proceeding, and the importance of preserving evidence (Utah Code 77-36-2.2).
2. Give the suspect a copy of the jail release agreement.
3. Transmit information regarding the jail release agreement to the statewide domestic violence network.
4. Note on the citation that the offense involved a domestic violence offense (Utah Code 77-7-20).

(e) An officer shall provide the suspect with a written notice containing the following information (Utah Code 78B-7-802):

1. The suspect may not telephone, contact, or otherwise communicate directly or indirectly with the victim before being released.
2. The suspect may not be released except by court order or jail release agreement.
3. The penalties for violation of a jail release court order or jail release agreement.
4. That the suspect must appear in court on the next business day after arrest.

312.8.2 REPORTS AND RECORDS

(a) Reports on incidents of domestic violence and violations of court orders shall include (Utah Code 77-36-2.2):

1. The officer's disposition of the case.
2. The appropriate crime classification.
3. If no arrest was made, the report shall detail the grounds for not arresting.

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4. If two parties are arrested, the report shall detail the grounds for arresting both parties.
5. The results of a lethality assessment when required by Utah Code 77-36-2.1. The report, however, shall not reflect information about a referral to a domestic violence organization if one is made as a result of the lethality assessment.

(b) Reports on violations of a court order should also include specific information to establish that the suspect has been served, including the date of service and the name of the agency that served the order, and the provisions of the order that the suspect is alleged to have violated.

1. Officers should document their efforts to verify the validity of an order, regardless of whether an arrest is made.
2. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(c) 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 the victim can obtain the information at a later time.

1. The report shall be made available to the victim, upon request, at no cost (Utah Code 77-36-2.2).

(d) The Records Section Director shall forward a copy of the incident report to the appropriate prosecuting attorney within five days after the complaint of domestic violence occurred (Utah Code 77-36-2.2).

(e) The officer completing a report should document whether the victim has waived, in writing, any condition of a jail release agreement. If the suspect is arrested, whether the victim has made a waiver shall also be documented in the information presented to the magistrate (Utah Code 78B-7-802).

(f) The Records Section Director or the authorized designee shall update the statewide domestic violence network when a person is released upon a written jail release agreement (Utah Code 78B-7-802).

312.9 SERVICE OF COURT ORDERS

When an officer serves an individual with a protective order which causes the individual to be a restricted person under Utah Code 76-11-302 or Utah Code 76-11-303, the officer shall verbally provide the individual with the appropriate firearm restriction notifications in accordance with Utah Code 76-11-309 and request the individual's signature on the acknowledgment contained within the protective order document.

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Search and Seizure

313.1 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.

313.2 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.

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.

313.3 SEARCHES

(a) The U.S. Constitution generally provides that a valid warrant is required in order for a search to be legal. There are, however, several exceptions that permit a warrantless search.

1. 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.

(b) 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.

(c) 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 their familiarity with clearly established rights as determined by case law.

(d) Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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313.3.1 CONSENT SEARCHES

(a) 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.

(b) 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.

(c) 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.

1. Consent to search may be given verbally or in writing.
2. Written consent should be documented in writing on a Consent to Search form.
3. Consent given verbally should be recorded on an audio and or video recording device.

313.3.2 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 might be found that is relevant to the crime for which the person is being arrested. Areas within the person's immediate control are limited to the area within the person's reach at the time the arrest is made.

313.3.3 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 the policy regarding pat down searches.

313.3.4 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.

313.3.5 EXIGENT CIRCUMSTANCES

(a) The exigent circumstances exception allows an officer to make a warrantless search in situations where time is not available to obtain a warrant and:

1. Evidence may be lost if the search is not conducted immediately; or,
2. Not conducting a search places the safety of the officer or others at risk.

(b) 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.

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(c) Officers may forcibly enter and 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 exigent circumstances exist and the officer intends to pursue a search warrant.

(d) 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))

(e) Factors that may, given the totality of the circumstances, aid in determining if exigency exists include, but are not limited to:

- The gravity of the offense.
- Whether the person is reasonably believed to armed and a threat to the safety of the officer or others.
- Probable cause exists to believe the person committed an arrestable offense.
- Probable cause exists to believe that a suspect who has committed an offense is on the premises to be searched.
- There is a likelihood that the suspect will escape if not immediately apprehended.
- Entering a private premises solely to determine the health and welfare of the residents.
- 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 locating owner information so that the business may be properly secured.

313.3.6 PAROLE SEARCHES

(a) 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)).

(b) Officers shall not request or conduct a parole search for the purpose of harassment (Utah Code 77-23-301(4)).

313.3.7 IMAGING SURVEILLANCE DEVICE

An officer may not operate an imaging surveillance device to obtain information not otherwise directly observable about individuals, items, or activities within a closed structure unless (Utah Code 77-23d-103):

(a) A warrant has been obtained.

(b) Testing equipment or training is being performed.

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1. Training or testing may not be conducted as part of a criminal investigation or law enforcement activity.
2. Testing or training requires the consent of the individuals imaged and the owners of the property to be imaged.

(c) Exigent circumstances exist.

(d) While in fresh pursuit of a person suspected of committing a felony.

313.3.8 ELECTRONIC INFORMATION AND DATA

Officers shall follow warrant and notification requirements when (Utah Code 77-23c-101 et seq.; Utah Code 77-23f-101 et seq.):

(a) Seeking reverse-location.

(b) Seeking reverse-keyword information.

(c) Seeking electronic data transmitted to a provider of a remote computing service or electronic communication service.

313.4 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. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(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 sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex 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.

313.5 DOCUMENTATION

(a) Officers shall document any search and ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search.

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- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
- What force, if any, was used to execute the search.
- Whether an announcement was made prior to or after entry into the premises.
- What, if any, injuries or damage occurred.
- All steps taken to secure property.
- The results of the search, including a description of any property or contraband seized.
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer.

(b) Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented, and that current legal requirements and Department policy have been met.

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Warrant Service

314.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this Department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

314.1.1 DEFINITIONS

Definitions related to this policy include:

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 (Utah Code 77-7-8.5).

Section Commander - A lieutenant or the designated person in the lieutenant's absence.

Supervisory Officer - A sergeant or lieutenant.

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Tactical Group – a special unit, within a law enforcement agency, specifically trained and equipped to respond to critical, high-risk situations.

314.2 POLICY

It is the policy of the West Valley City Police Department to balance the safety needs of the public, the safety of Department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

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 warrant execution process.

314.3 SECTION COMMANDER RESPONSIBILITIES

The Section Commander shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The Section Commander will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow the guidelines in this policy.

314.3.1 MODEL GUIDELINES OF THE UTAH PEACE OFFICER STANDARDS AND TRAINING COUNCIL

The supervisor in command shall be familiar with any model guidelines and procedures recommended by the Utah Peace Officer Standards and Training (POST) Council regarding warrants and ensure members follow the guidelines and procedures (Utah Code 77-23-210).

314.4 SEARCH WARRANT PROCEDURES

(a) Risk Assessment and Search Warrant Approval (Utah Code 77-7-8; Utah Code 77-7-8.1)

1. The investigating officer will complete a risk assessment prior to seeking approval for any search warrant, excluding internet and social media providers, electronic devices and vehicles or persons subject to evidence processing. Internet and social media providers, electronic devices and vehicles or persons subject to evidence processing need only one supervisor approval.

2. All Department "no knock" search warrants must have prior approval from the Chief of Police or the Chief's designee, following a review and approval by the investigating officer's supervisor, Deputy Chief of Police, the appropriate section commander, or one of his/her designated supervisors. The investigating officer

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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 two supervisory personnel in the investigating officer's chain of command, or other supervisor if their direct supervision is not available. The investigating officer will provide the approving supervisors 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 commander shall be notified of the results of the search warrant as soon as practical after execution.

5. If the Department 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 the request for assistance, 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.

(a) 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)

(a) Preparation for Execution of Warrant

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1. Prior to any other preparations, the primary officer shall follow federal, State and Department protocol to deconflict the investigation and the execution of the warrant. Efforts to deconflict 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 should be supported by photographs and diagrams.

(a) 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. (Utah Code 77-23-205)
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.
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.

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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. (Utah Code 77-23-210)
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.

(b) 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.

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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 Attorney / Risk Management in a timely manner.

(a) 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.

314.5 SUPERVISORY REVIEW OF APPLICATIONS

In the case of an application for a "knock-and-announce" search warrant or a "no knock" search warrant, a supervisor shall review the complete search warrant application to (Utah Code 77-7-8; Utah Code 77-7-8.1):

(a) Evaluate whether the totality of the circumstances described justify the basis for the application.

(b) Ensure reasonable intelligence gathering efforts have been made.

(c) Ensure a risk assessment has been completed regarding the persons and buildings to be searched.

314.6 DECONFLICTION

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 multi-jurisdictional 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.

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(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, he or she 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.

314.7 MANDATORY REPORTING REQUIREMENTS

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.

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DNA Samples

315.1 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.

315.1.1 DEFINITIONS

DNA - Deoxyribonucleic acid.

DNA Specimen (or Specimen) - A sample of a person's saliva or blood.

315.2 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.

315.2.1 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.

315.2.2 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.

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315.3 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.

315.3.1 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.

315.3.2 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.

315.3.3 FULL PALM PRINTS

Full palm print impressions shall be obtained on Department of Justice prescribed forms along with all DNA samples.

315.3.4 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 video recorded.

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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.

315.4 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.

315.4.1 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.

315.4.2 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.

315.5 MISUSE OR UNAUTHORIZED PROCEDURE

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.

315.6 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.

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Juvenile Operations

316.1 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.

316.2 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 juvenile offender and take no further action; they may divert the offender to any of several service 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 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. That report will be sent to the Chief of Police for approval.

Juveniles should only be taken into custody when no other alternative exists or for the safety of the juvenile.

316.3 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.

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(f) Availability of any diversion programs.

316.4 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 on juvenile cases involving misdemeanor crimes when additional information is necessary for the prosecuting authority to proceed.

(c) Preparation of 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.

316.5 SCHOOL RESOURCE OFFICERS

Officers may be assigned to work specifically in schools within West Valley City. Refer to the "School Resource Officers" policy for further details.

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Temporary Custody of Juveniles

317.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the West Valley City Police Department (34 USC § 11133).

317.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles engaged in commercial sex or sexual solicitation are non-offenders (Utah Code 76-5d-106; Utah Code 76-5d-204; Utah Code 76-5d-209; Utah Code 76-5d-211).

Juvenile offender - A juvenile under 18 who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes possession of a handgun by a person under 18 years of age in violation of Utah Code 76-11-211 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other Department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct visual observation by a member of this Department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

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(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

317.2 POLICY

The West Valley City Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the West Valley City Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

317.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the West Valley City Police Department. These include:

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Response to Mentally Ill and Persons in Crisis Policy regarding civil commitments).

1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or transfer to an appropriate facility is completed.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation. These juveniles should not be held at the West Valley City Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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317.3.1 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.

(a) 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.

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(a) 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.

(b) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

(c) 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.

317.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the West Valley City Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the West Valley City Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond four hours from the time of the juvenile's entry into the West Valley City Police Department (34 USC § 11133; Utah Code 80-6-203; Utah Code 80-6-204).

317.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the West Valley City Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

317.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

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317.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the West Valley City Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

A juvenile offender may be taken into custody without order of the court if the officer has probable cause to believe the juvenile has violated a state law, federal law, local law, or municipal ordinance (Utah Code 80-6-201).

A juvenile offender may not be held in temporary custody any longer than is reasonably necessary to obtain the juvenile's name, age, residence, and other necessary information, and to contact the juvenile's parents, guardian, or custodian (Utah Code 80-6-203).

The juvenile offender shall be released to the care of a parent or other responsible adult, unless the officer reasonably believes the juvenile's immediate welfare or the protection of the community requires the juvenile's detention or a warrant has been issued under Utah Code 80-6-202 or Utah Code 80-6-806 (Utah Code 80-6-203). Before releasing the juvenile offender, the parent or other person taking custody of the juvenile shall be required to sign a written promise to bring the juvenile to the court at the specified date and time (Utah Code 80-6-203).

If the juvenile offender is not released, the juvenile shall be taken to a place of detention or shelter without unnecessary delay (Utah Code 80-6-203).

The officer who takes a juvenile offender to a detention or shelter facility shall complete and promptly file with the detention or shelter facility a written report on a form provided by the Division of Juvenile Justice and Youth Services. This should include the details of the presently alleged offense, the facts that bring the juvenile within the jurisdiction of the juvenile court, the reason the juvenile was not released by the Department, and if the juvenile is under consideration for detention, the eligibility of the juvenile for detention under the detention guidelines (Utah Code 80-6-203).

317.5 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.

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(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 a request by juvenile, a school official or lawyer may be present during the interview instead 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.

317.6 ADVISEMENTS

If a juvenile offender is taken into custody under Utah Code 80-6-201 for a serious offense as defined by Utah Code 80-6-103, the officer should notify the appropriate school superintendent or principal or their designee within five days for the purposes of the juvenile's supervision and student safety.

The notice shall disclose only (Utah Code 80-6-103):

(a) The name of the juvenile.

(b) The offense for which the juvenile was taken into custody or detention.

(c) If available, the name of the victim, if the victim either resides in the same school district as the juvenile or attends the same school as the juvenile.

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317.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Utah Code 80-6-204). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the West Valley City Police Department shall maintain a constant, immediate, side-by-side 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.

317.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the West Valley City Police Department shall ensure:

(a) The Watch Commander is notified if it is anticipated that a juvenile may need to remain at the West Valley City Police Department more than three hours. This will enable the Watch Commander to ensure no juvenile is held at the West Valley City Police Department more than four hours.

(b) Safety checks and significant incidents/activities are noted on the log if held in a temporary holding cell.

(c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(e) There is reasonable access to toilets and wash basins.

(f) There is reasonable access to a drinking fountain or water.

(g) Food is provided if a 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.

(h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(i) There is privacy during family, guardian, and/or attorney visits.

(j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

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(l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.

(m) Adequate furnishings are available, including suitable chairs or benches.

(n) Juveniles have the right to the same number of telephone calls as adults in custody (see the Temporary Detention, Testing & Processing Policy).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

317.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults policy).

317.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints policy. A juvenile offender may be handcuffed at the West Valley City Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other 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.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored in such a way as to protect the juvenile from abuse.

317.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

317.11 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the West Valley City Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the West Valley City Police Department.

317.12 SECURE CUSTODY

Only juvenile offenders 14 years and older may be placed in secure custody. Juveniles shall not be placed in secure custody for more than four hours (Utah Code 80-6-204). Watch Commander approval is required before placing a juvenile offender in secure custody.

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Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to self or others.

Members of this Department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes, and every 30 minutes thereafter. Supervisor approval should be documented.

317.12.1 LOCKED ENCLOSURES

Juvenile offenders shall not be placed in any locked enclosure unless the enclosure is certified by the Commission on Criminal and Juvenile Justice as an approved holding room, and there is no other alternative that will protect the juvenile and the community (Utah Code 80-6-204).

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when the juvenile is released. Any damage noted to the room should be photographed and documented.

The following requirements shall apply:

(a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.

(c) The juvenile shall have constant auditory access to Department members.

(d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.

(e) Unscheduled safety checks by Department members shall occur no less than every 15 minutes.

1. All safety checks shall be logged.
2. Juveniles who are sleeping or apparently sleeping should be awakened.
3. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

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(i) Juveniles shall not be placed in a locked enclosure for more than four hours (Utah Code 80-6-204).

(j) Juveniles shall not be placed in a jail, lockup, or cell that is typically used for adults who are charged with a crime or in secure care except as expressly authorized by state law (Utah Code 80-6-204).

317.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE WHILE DETAINED

In the event of a suicide attempt or the death, serious injury, of any juvenile being detained by this Department, the Officer-Involved Critical Incident Investigative Protocol shall be invoked to investigate the circumstances surrounding the incident. In addition, the Internal Affairs Unit 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.

317.14 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

No interrogation of a juvenile should occur unless (Utah Code 80-6-206):

(a) The juvenile has been advised of the juvenile's constitutional rights, and the right to have a parent, a guardian, or a friendly adult present during the interrogation.

(b) The juvenile voluntarily waives the juvenile's constitutional rights.

(c) A parent, guardian, or friendly adult is present during the interrogation or gives consent to the interrogation after being present for the waiver. A parent, guardian, or friendly adult is not required to be present for the waiver or give consent if reasonable attempts to contact such an individual have been unsuccessful for one hour after taking the juvenile into custody or if the juvenile's attorney is present in accordance with (d) below.

(d) When being held in a detention facility or a secure care facility, the juvenile has had a meaningful opportunity to consult with their attorney and the attorney is present for the interrogation.

(e) The juvenile's guardian ad litem, if any, has given consent to the interrogation for a juvenile who is in the custody of the Division of Child and Family Services.

Any custodial interrogation of a juvenile should be recorded (audio or video with audio as available) in its entirety (Utah Code 80-6-206).

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317.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

An officer should not photograph or fingerprint a juvenile who has not been adjudicated of an offense (Utah Code 80-6-608).

317.16 RECORDS

Court decisions and legislation have been combined carefully to 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 (FERPA) (Utah Code 80-6-103).

Officers shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

The Records Section Director should maintain a copy of any current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms.

Only information authorized by law will be released to other agencies. It shall be the responsibility of the Records Section Director and the appropriate Special Operations Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

317.17 TRAINING

Members should be trained on and familiar with this policy and any supplemental procedures.

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Adult Abuse

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others.

This policy also addresses mandatory notification for West Valley City Police Department members as required by law.(Utah Code Title 62A, Chapter 3, Part 3)

318.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement. (Utah Code 62A-3-301)

318.2 POLICY

The West Valley City Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law. 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).

318.3 MANDATORY NOTIFICATION

Members of the West Valley City Police Department shall notify Adult Protective Services (APS) when the member has reason to believe that an elder or vulnerable adult has been abused.

For purposes of notification (Utah Code 26B-6-201):

(a) Abuse includes but is not limited to the intentional infliction of harm or emotional abuse, the exploitation, or the neglect of an elder or vulnerable adult.

(b) Elder adult means someone age 65 or older.

(c) Vulnerable adult means an elder adult or a dependent adult age 18 or older who has a mental or physical impairment that substantially affects the person's ability to provide for themselves or their own personal protection.

318.3.1 NOTIFICATION PROCEDURE

Notification should occur either by telephone or by utilizing the online reporting form provided by APS immediately or as soon as practicable.

318.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

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(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

318.4.1 MANDATORY COORDINATION

Members shall coordinate with APS to provide protection to victims and to investigate cases of elder or vulnerable adult abuse (Utah Code 26B-6-205).

318.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult 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 adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom the victim made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) If any photographs or audio and/or video recordings of the victim were taken (Utah Code 26B-6-206).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

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318.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should only remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

318.6.1 REMOVAL AND TRANSPORT OF ADULT ABUSE VICTIM

Removal and transport of an adult abuse victim by an officer may only occur under the following conditions (Utah Code 26B-6-207):

(a) The officer has probable cause to believe that the adult abuse victim will suffer serious physical injury if not immediately removed and transported to a safe environment.

(b) The adult abuse victim either refuses to consent or lacks capacity to consent to the removal and transport.

(c) There is not time to notify interested parties or to secure a warrant or other court order for the removal and transport.

(d) The person will be taken to a medical or shelter facility.

The officer removing and transporting an adult abuse victim shall notify APS within four hours to request that an emergency protective order be obtained from the court (Utah Code 26B-6-207).

318.7 INTERVIEWS

318.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When

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practicable, investigating officers should defer in-depth interviews until a person who is specially trained in such interviews is available.

318.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:
    (a) A reasonable belief that medical issues of the adult need to be addressed immediately.
    (b) A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
    (c) The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
(b) A court order or warrant has been issued.

318.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give 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 adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

318.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

318.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Section supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims 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 Investigations Section supervisor that he/she has responded to a drug lab or other narcotics crime

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scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

318.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Section supervisor so an interagency response can begin.

318.10 STATE MANDATES AND OTHER RELEVANT LAWS

Utah requires or permits the following:

318.10.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

(a) Providing a copy of the adult abuse report to APS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

318.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Utah Code 26B-6-212).

318.10.3 NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION

When an officer arrests or issues a citation for a qualifying offense (Utah Code 78B-7-801(5)) to a person 18 years of age or older for adult abuse, the officer shall provide the person with the written notice required by Utah Code 78B-7-802. Victims shall be provided notice in accordance with the Victim and Witness Assistance Policy.

318.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.Availability of specialized forensic medical exams.

(d) Cultural competence (including interpretive services) related to adult abuse investigations.

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(e) Availability of victim advocates or other support.

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Discriminatory Harassment

319.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

319.2 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 and privileges it is designed to protect (Utah Antidiscrimination 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.

319.3 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional 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 the member's 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, the Human Resources Director, the City Attorney or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, 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.

319.3.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resources Director, the City Attorney or the City Manager for further information, direction, or clarification.

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319.3.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring 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) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

319.3.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.

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.

319.4 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, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

319.4.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's 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.

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319.4.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person 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 an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not 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, the Human Resources Director, or the City Manager.

319.4.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated 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. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

319.5 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members 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.

319.5 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Manager, or the Human Resources Director, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

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319.5.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

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Child Abuse

320.1 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.

320.1.1 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 - Non-accidental harm (e.g., physical, emotional, developmental injury or damage) or threatened harm of a child (e.g., actions, inaction, credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect), sexual abuse (e.g., bigamy, incest), sexual exploitation of a child, human trafficking of a child, or causing the intentional death of the child's parent by the child's parent as defined by Utah law (e.g., specified parent-child relationships). Abuse does not include reasonable discipline, restraint, weapon removal, or management of a child or other legally justifiable acts (Utah Code 80-1-102).

320.2 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.

320.3 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 child abuse, when they observe a child being subjected to conditions or circumstances that would reasonably result in child abuse, or when any person notifies the member of child abuse (Utah Code 80-2-602).

320.3.1 NOTIFICATION PROCEDURE

Notification should be made as soon as practicable to the nearest DCFS office (Utah Code 80-2-602).

Notification should also be made to the District Attorney in cases where suspected child abuse resulted in death (Utah Code 80-2-604).

320.4 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,

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(c) Be familiar with procedures for child abductions as detailed in the Missing Persons Policy.

(d) Present all cases of alleged child abuse to the prosecutor for review.

(e) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.

(f) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.

(g) Participate in or coordinate with multidisciplinary investigative teams as applicable.

320.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

(a) Investigations and reports related to suspected cases of child abuse should address, as applicable:

1. 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.
2. The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
3. Any relevant statements the child may have made and to whom he/she made the statements.
4. 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.
5. Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
6. Whether the child victim was transported for medical treatment or a medical examination.
7. 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.
8. Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
9. Previous addresses of the victim and suspect.
10. Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(b) 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).

320.5.1 COMMERCIAL SEX OR SEXUAL SOLICITATION INVOLVING A CHILD

When an officer encounters a child engaged in commercial sex or sexual solicitation, the officer should (Utah Code 76-5d-106):

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(a) Investigate possible human trafficking of the child.

(b) Refer the child to DCFS.

(c) Bring the child to a receiving center.

(d) Contact the child's parent or guardian.

320.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DCFS. Generally, removal of a child from the child's 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 the child's 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 80-2a-202):

(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.

320.6.1 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 80-2a-203. This notice should include the written information prepared by DCFS. Such efforts to provide this notification should be documented in the related report.

320.6.2 SAFE HAVEN LAW

A birth parent or parent's designee may leave a newborn child, age 30 days or less at any Utah hospital that is open 24 hours. The hospital is responsible for contacting DCFS within 24 hours

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of receiving the infant and DCFS assumes legal custody of the infant (Utah Code 80-4-501; Utah Code 80-4-502).

320.7 INTERVIEWS

320.7.1 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.

320.7.2 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.

320.7.3 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 80-2-705).

320.8 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.

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320.9 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.

320.9.1 SUPERVISOR RESPONSIBILITIES

The Special Operations Section Supervisor should:

(a) Work with professionals from the appropriate agencies, including DCFS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific 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 Special Operations 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.

320.9.2 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 and the checklist or form developed for this purpose.

(b) Notify the Investigations Section Supervisor so an interagency response can begin.

320.10 STATE MANDATES AND OTHER RELEVANT LAWS

Utah requires or permits the following:

320.10.1 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 Maintenance and Release Policy (Utah Code 77-37-4; Utah Code 80-2-608).

320.10.2 RECORDED INTERVIEWS

A parent or guardian of a child victim may view a recorded interview of the child unless (Utah Code 77-37-4):

(a) The suspect is also a parent or guardian of the child victim;

(b) The suspect resides in the home with the child victim; or

(c) The investigator reasonably believes that allowing the parent or guardian to review the recording would compromise or impede the investigation.

The investigator should coordinate with the Children's Justice Center to ensure the viewing takes place within two business days of the request.

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320.10.3 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 (Utah Code 53-13-110.5).

320.10.4 NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION

When an officer arrests or issues a citation to a person 18 years of age or older for child abuse, the officer shall provide the individual with the written notice required by Utah Code 78B-7-802. Victims shall be provided notice in accordance with the Victim and Witness Assistance Policy.

320.11 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.

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Missing Persons

321.1 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 the 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 (34 USC 41308).

321.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for their chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. A person of any age who is missing under circumstances indicating that their physical safety may be in danger.
4. In a life-threatening situation.
5. In the company of others who could endanger their welfare.
6. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
7. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person who is missing from the person's 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 26B-8-130).

Runaway- A runaway is a person under **18 years** old who leaves home or a legal residence without the permission of a parent or legal guardian. A runaway may also be someone who refuses to return home when directed to by their legal guardian or custodial agency.

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321.2 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.

Department members should conduct the investigation as quickly as possible to determine if an abduction has occurred. If an abduction is suspected, the assigned investigator will coordinate with their chain of command and then federal authorities for a Child Abduction Response Team (CART) response.

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, the responding employee shall ensure that the Watch Commander and appropriate Investigations Section supervisor is notified.

This agency and its' members will comply with U.S Code Title 34 § 43108 October 20, 2024, which requires that all reported missing person(s) under the age of twenty one (21) will be entered into the "Missing Person Networks" within two (2) hours of receiving the report.

The Investigations Section 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 Investigations Section is also responsible for the investigation and follow-up of all juvenile runaway cases.

321.2.1 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:

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(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.

321.3 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 the person was last seen and by whom.

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(e) Determine if the missing person has access to a vehicle and obtain vehicle description including year, make, model, color, and vehicle owner.

(f) Determine place of employment of the 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 where 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 possible 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, at 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 notify an on-duty detective or, if outside normal business hours, an on-call detective.

(r) Complete any further investigation requests from the on-call detective.

(s) 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 the supplemental report.

(t) Complete report by end of shift, leave the case active if the missing person is not located, and ensure case is in a priority packet.

321.3.1 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 in a 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

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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.

321.3.2 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).

321.3.3 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).

321.3.4 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 every 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.

321.4 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 twelve (12) years of age or younger, a second patrol unit should be dispatched when available.

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(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 as 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) as to 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 of the missing child and suspects (if applicable). Determine correct NCIC missing person file category (disability, endangered, involuntary, juvenile, or catastrophe) and have VECC enter

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missing child information on NCIC immediately. Receive operator number and time actually entered.

(m) If child has not been located upon your arrival on scene, and you have 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) Reverse 911 calls through VECC.

(p) With a supervisor's approval, consider an endangered person(s) advisory, Amber Alert,, and additional patrol resources.

(q) Prepare a chronological briefing of the incident and your actions for arriving supervisor(s) and detective(s).

(r) Remain at the scene unless directed by supervisor or case detective.

(s) Complete report before end of shift, leave the case active if missing child is not located, and place in a priority packet.

321.4.1 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 the definitions section of this policy, listed above.

(b) Prioritize 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.

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(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.

321.4.2 PATROL SUPERVISOR RESPONSIBILITIES

Patrol Supervisor Responsibilities:

(a) Respond to the scene, obtain a briefing from the 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 a 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 an Amber Alert and/or CART.

(k) If abduction is confirmed, contact the on-call investigations supervisor. The supervisor will coordinate with the appropriate state and/or federal agencies.

(l) An Amber Alert must meet required criteria (Utah Code Annotated 53-10-1002) but should be activated as quickly as possible. The Investigations Section will provide contact info. for the Amber Alert and the Department's Press Information Officer (PIO) must be notified. See also the Public Alerts Policy.

1. Amber Alerts are authorized when the Department:

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i. confirms a child abduction has occurred;

ii. believes there is a serious, credible threat of imminent danger to the child; and

iii. has an accurate enough description of the child, abductor, or circumstances to suggest that issuing an alert will help to recover the child safely or apprehend the suspect.

2. Agencies cannot issue Amber Alerts for reported runaways or custody disputes except where there is a credible threat of imminent danger to the child.

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. 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.

321.4.3 INVESTIGATIONS SECTION RESPONSIBILITIES

(a) Assigned Detective Responsibilities:

1. Mandatory response to scene required if notified by patrol of missing child 12 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 a crime scene has been located/determined, contact Forensics and have them respond to the 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, West Valley Police Department Records Management System (RMS) history, and DCFS history as soon as possible.

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11. Obtain a list of contact info. of all family members, friends, teachers, classmates, school counselors, church members, and anyone else 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 a person is missing under suspicious circumstances for more than 14 days, the assigned detective shall immediately submit to the dentist, physician/surgeon or medical facility, the signed request for dental or skeletal X-rays or both.
14. In all cases, the assigned 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.
15. 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.

(a) Investigations Supervisor Responsibilities:

1. If missing child is 12 years of age or younger, a call out of additional detectives is required.
2. Notify Investigations 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.

321.4.4 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 location of parent(s) or reporting person(s). If in-person contact

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with the person making the report 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:
    i. Age.
    ii. Race.
    iii. Height/Weight.
    iv. Hair Color/Style/Length.
    v. Eye Color.
    vi. Scars/Marks.
    vii. Tattoos/Piercings.
    viii. Glasses.
    ix. Medical Conditions/Medications.
    x. Clothing.
4. Identify the date, time and location of when last seen and by whom.
5. Determine if the runaway has access to a 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. If at risk, 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 in which the runaway was last seen. If this location is not the runaway's primary residence, respond there as well. Be cognizant of potential

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evidence and possible 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 Record Management System (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 Investigations 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 on promptly. The detective will keep in contact with the complainant at least once a month, documenting the contact with supplemental reports in the Department's Records Management System (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.

321.5 NOTIFICATION AND DOCUMENTATION RESPONSIBILITIES

The following procedures shall be completed based upon the type of missing person:

(a) Missing child under 21 years old:

1. Place entry into NCIC within 2 hours.
2. Send BOLO teletype without delay.
3. Check with the Medical Examiner's Office in a timely manner.
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 after 45 days missing..

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6. Obtain and send a recent photograph of the missing child to Utah DOJ and to the Utah Missing Person Clearinghouse within 24 hours.

(a) Missing endangered person:

1. Place entry into NCIC without delay.
2. Send BOLO teletype without delay.
3. Promptly initiate an Endangered Missing Person Advisory if appropriate and the criteria are met.
4. Check with the Medical Examiner's Office immediately after 45 days missing.
5. Obtain and send dental x-rays to the Utah Missing Person Clearinghouse after 45 days missing.

(a) Missing adult 21 years or older:

(a) Place entry into NCIC within 4 hours.

(b) Send BOLO teletype without delay.

(c) Check with the Medical Examiner's Office immediately after 45 days missing.

(d) Obtain and send dental x-rays to the Utah Missing Person Clearinghouse after 45 days missing.

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Public Alerts

322.1 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.

322.2 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.

322.3 RESPONSIBILITIES

322.3.1 MEMBER RESPONSIBILITIES

Members of the West Valley City Police Department should notify their supervisor, Watch Commander, or Investigations 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.

322.3.2 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 Bureau Commander and the Public Information Officer 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 Bureau Commander

322.4 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 in January and August.

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The AMBER Alert does not preclude any law enforcement agency from utilizing or implementing in-house procedures, policies, or practices.

322.4.1 CRITERIA

AMBER Alerts are not to be used for cases involving custodial disputes or runaways that do not meet the criteria (Utah Code 53-10-1002). The Department may consider issuing an Endangered Missing 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 (Utah Code 53-10-1002):

(a) A confirmed abduction (non-family, non-custodial).

(b) The child is 17-years of age or younger.

(c) There is reason to believe the child is in imminent danger of serious bodily injury 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.

322.4.2 PROCEDURE

(a) When the required criteria are met, the assigned officer should request that Dispatch initiate an AMBER Alert by entering the required information into the appropriate Utah Criminal Justice Information System (UCJIS) transaction.

(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 Bureau of Criminal Identification (BCI) and the Department of Justice Missing Person System (NCIC).
5. National Center for Missing and Exploited Children.

322.4.3 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:

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- Patrol Section Commander
- Detective Section Commander
- Department P.I.O.
- Deputy Chiefs of Police
- Chief of Police

322.5 BLUE ALERTS

322.5.1 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.

322.5.2 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.

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(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.

322.6 ENDANGERED MISSING ADVISORY

The Endangered Missing 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 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.

322.6.1 CRITERIA

The following criteria must be met to initiate an Endangered Missing 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.

322.6.2 PROCEDURE

When the required criteria are met, the assigned officer should request that Dispatch activate an Endangered Missing Advisory by entering descriptive information and officer contact information into the appropriate UCJIS transaction and by contacting the Bureau of Criminal Identification. The assigned officer is responsible to ensure that information is entered into the National Crime Information Center (NCIC) database.

322.7 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing endangered adult (Utah Code 53-10-702).

322.7.1 CRITERIA

The following criteria must be met to initiate a Silver Alert:

(a) The person is reported missing.

(b) The person reported missing is 60 years of age or older or has some form of Alzheimer's disease or other forms of dementia resulting in continual loss of memory or awareness dementia (Utah Code 53-10-703).

322.7.2 PROCEDURE

When the required criteria are met, the assigned officer should request that Dispatch initiate a Silver Alert by contacting BCI through the UCJIS system and providing descriptive information, the specific area in which the missing person was last seen, and the officer contact information (UT ADC R722-400-4).

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Victim and Witness Assistance

323.1 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.

323.2 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.

323.3 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 Victim Advocate's office. They inform victims of their 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 relocate 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 individuals 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.

323.3.1 CRIME VICTIM PRIVACY

Upon request, the victim of a crime should be identified by the individual's initials rather than by name in all publicly available documents related to the criminal justice process, other than documents required for the issuance or enforcement of a criminal protective order or a criminal stalking injunction (Utah Code 77-38-6).

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When a victim is identified using their initials, identifying information shall be maintained by the Department and provided in response to a court order (Utah Code 77-38-6).

323.4 VICTIM INFORMATION

The Administrative Services Bureau Commander shall 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 (Utah Code 53-10-804).

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

(g) 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.

(h) Notice regarding U visa and T visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the officer's name, badge number, and any applicable case or incident number.

(k) The written notices for victims of domestic violence and other qualifying offenses as mandated by Utah Code 78B-7-802 and Utah Code 77-36-2.1.

(l) Local victim centers.

(m) The Utah Department of Corrections (UDC) Victim Services Unit, which can provide assistance and support to victims whose victimizers are in the custody of the UDC.

(n) Office of Crime Victim Reparations Program that offers financial assistance.

(o) The Federal Department of Justice Office for Victims of Crime (OVC), which can also provide assistance.

(p) The Utah Crime Victims' Bill of Rights (Utah Code 77-37-3).

(q) Rights and remedies available to victims of stalking or dating violence (Utah Code 76-5-106.5; Utah Code 78B-7-408).

(r) Eligibility and process to request review of investigations (Utah Code 11-64-101).

(s) The written notices for victims of sexual violence as mandated by Utah Code 78B-7-509.

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(t) A guide for victims of sexual assault to be published on the Department website as mandated by Utah Code 53-25-201.

323.5 COMPLAINTS OF VICTIM'S RIGHTS VIOLATIONS

Complaints alleging a violation of a victim's rights shall be addressed in the manner described in the Personnel Complaints Policy. Investigative findings related to the complaint shall be provided to the appropriate Victim Rights Committee when required (Utah Code 63M-7-1003).

323.6 WITNESSES

Officers should never guarantee a witness's safety from future harm or that his/her identity will always remain confidential. 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.

323.7 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.

(h) Provide any requested reports to the Utah Office for Victims of Crimes within 10 days of the request. (Utah Code 63M-7-527)

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Hate Crimes

324.1 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.

324.1.1 FEDERAL JURISDICTION

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice 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, ethnicity, gender, sexual orientation, gender identity or expression, or disability (18 USC § 249).

324.2 DEFINITIONS

Intimidate or terrorize - Means an act which causes the person to fear for his/her 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)).

324.3 CRIMINAL STATUTES

Utah Code 76-3-203.3 (Penalty for Hate Crimes) and Utah Code 76-3-203.4 (Hate Crimes - Aggravating Factors).

324.4 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.

324.5 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:

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(a) Officers 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 officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officers 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 officers or supervisor may request additional assistance from detectives or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a hate crime in the relevant reports. 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 officers before the end of the shift.

(g) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.

(h) The assigned officers 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).

324.5.1 INVESTIGATIONS SECTION RESPONSIBILITY

If a case is assigned to the Investigations 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 victims and other involved individuals as needed.

(c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the county or state upon request.

324.6 TRAINING

All members of the Department will receive training approved by Utah Police Officer Standards and Training on hate crime recognition and investigation.

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Motorist Assists and Vehicle Lockouts

325.1 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 are in need of assistance or who have locked themselves out of their vehicles.

325.2 MOTORIST ASSIST RESPONSE PROCEDURES

West Valley City police officers shall be alert for and, when possible, stop and assist motorists in need of aid. If a police officer observes a motorist in need of assistance, and the officer is in route to, or on a call for service, the officer shall notify dispatch of the motorist's location so that a police officer may be dispatched to render assistance.

(a) Types of general assistance that may be provided to motorists include:

1. Providing information or directions.
2. Providing protection to stranded motorists.
3. Contacting someone by telephone through dispatch.
4. Transporting stranded motorists with approval of the on-duty shift supervisor.
5. Assisting with flat tires.
6. Pushing vehicles out of the roadway.

(b) Under normal circumstances, police officers shall not provide the following types of assistance unless specifically approved by the on-duty shift supervisor:

1. Providing mechanical repairs.
2. Transporting gasoline or other petroleum products.
3. Using city vehicles to push or pull a disabled vehicle.

(c) In the event that the decision to use a city vehicle to push or pull a disabled vehicle is made, the officer/specialist will advise the individual that policy requires them to fill out a Release of Liability form. This form will be administered using the same guidelines described below for the lockout Release of Liability form.

(d) Police officers shall have the police vehicle's emergency lights activated while providing assistance to, or standing by with a vehicle disabled in the roadway. When assisting motorists, police officers should remain alert to these possibilities:

1. The vehicle in the possession of the motorist has not been authorized for their use.
2. The vehicle is in unsafe operating condition.
3. The driver is impaired or otherwise not capable of safely operating the vehicle.
4. The driver is not properly licensed to drive.
5. The vehicle's occupants have been engaged in recent criminal activity.

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325.3 VEHICLE LOCKOUT 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 caller 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 individual 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 individual if he/she understands.
2. If the individual indicates that he/she wishes the officer/specialist to continue in assisting them in unlocking the vehicle, the individual will complete and sign the Release of Liability form. The officer/specialist will also sign it as a witness.
3. If the individual 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 individual 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 individual from being left in a location, or situation that is unsafe.
4. Any damage caused or allegedly caused to the individual'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 the individual wants to make a complaint for damage, they should be forwarded to the City Attorney's Office.

(a) 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

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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.

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Standards of Conduct

326.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the West Valley City Police Department and are expected of all Department members. 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 conduct.

In addition to the provisions of this policy, members are subject to all other provisions contained in this manual as well as any additional guidance on conduct that may be disseminated by this Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve officers, and volunteers.

326.2 POLICY

The continued employment or appointment of every member of the West Valley City Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on or off duty, may be cause for disciplinary action.

326.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any Department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

326.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member of the Department is required to obey any order that appears to be in direct conflict with any federal law, state law, or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, Department members who are presented with a lawful order that is in conflict with a previous lawful order, Department policy, or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing

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supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

326.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a Department member to their immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.

(d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

326.4 GENERAL STANDARDS

Members of the Department shall conduct themselves, whether on or off duty, in accordance with the United States and Utah constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Department members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

326.4.1 DUTY TO INTERVENE AND REPORT MISCONDUCT

An officer present and observing another officer engaging in police misconduct shall, when in a position to do so, intervene to stop the misconduct (Utah Code 53-6-210.5).

A member who witnesses police misconduct shall report the misconduct to a supervisor or city attorney, as applicable, as soon as practicable. Failure to report the misconduct is grounds for discipline by the Department (Utah Code 53-6-210.5).

If the reported misconduct involves a law enforcement officer of another agency, the Chief of Police shall promptly notify and communicate the report to the chief executive of that law enforcement agency (Utah Code 53-6-210.5). Police misconduct means on-duty conduct by an officer that constitutes (Utah Code 53-6-210.5):

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(a) Force that is clearly beyond what is objectively reasonable under the totality of the circumstances, or clearly does not amount to justified conduct (Utah Code 76-2-401 et seq.).

(b) A search or seizure without a warrant where the totality of circumstances clearly indicates that any exception to the warrant requirement would not apply (see the Search and Seizure Policy).

(c) Conduct that an objectively reasonable person would find to be biased or discriminatory against an individual or a group based on race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity.

The Chief of Police or the authorized designee should ensure that any additional applicable reporting requirements, anti-retaliatory practices, and disciplinary procedures set forth in Utah Code 53-6-210.5 are followed.

326.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient service by the West Valley City Police Department.

326.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in Department or City manuals.

(b) Disobedience of any legal directive or order issued by any Department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

326.5.2 ETHICS

(a) Using or disclosing one's status as a member of the West Valley City Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.

(c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member'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 excepted).

(d) Acceptance of fees, gifts, or money contrary to the rules of this Department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel, or services.

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(g) The unauthorized personal use of public money or public property in violation of Utah Code § 76-8-402.

(h) Any other failure to abide by the standards of ethical conduct.

326.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and/or any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful, is prohibited.

326.5.4 RELATIONSHIPS

(a) Members of this Department shall not engage in any of the following:

1. Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
2. On-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
3. Establishing or maintaining an inappropriate personal or financial relationship as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
4. Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the 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 this Department.
5. Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this Department.

(b) West Valley City Policy, "Personal Relationships in the Workplace" states: The purpose of this policy is to protect employees from coercive or hostile relationships that may damage morale and reduce productivity because of bias, favoritism, or harassment. Personal relationships are defined to include intra-office dating, cohabitation or any other relationship that could give rise to an actual or perceived conflict of interest or appearance of favoritism. It is recognized that certain personal relationships between supervisors and their subordinates could lead to actual or perceived conflicts of interest, favoritism, or sexual harassment. A supervisor should not be involved in a personal relationship with a subordinate. Supervisors who have dated or are dating another employee should not supervise or evaluate that employee. If an employee is hired, promoted, transferred, or otherwise employed in a position that would violate this policy, the situation should be immediately reported to the Human

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Resource Office who will discuss the concerns with the employees involved. The City will evaluate each situation and determine what changes need to take place in order to comply with this policy. If no changes can be made that would satisfactorily resolve the situation, an employee may be transferred to another position, or terminated from employment.

326.5.5 ATTENDANCE

(a) Leaving the job to which the Department member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

Please refer to the Attendance and Absenteeism Policy for more information.

326.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this Department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this Department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any Department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) 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.

326.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

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(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

326.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making 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.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Department record, public record, book, paper or document.

(c) Failure to participate in, or 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.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this Department or its members.

(e) Disparaging remarks or conduct concerning duly-constituted authority to the extent that such conduct disrupts the efficiency of this Department or subverts the good order, efficiency and discipline of this Department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

    (a) While on Department premises.

    (b) At any work site, while on duty or while in uniform, or while using any Department equipment or system.

    (c) 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.

(g) Improper political activity including:

    (a) Unauthorized attendance while on duty at official legislative or political sessions.

    (b) Solicitations, speeches, or distribution of campaign literature, for or against, any political candidate or position while on duty or on Department property, or while in any way representing himself/herself as a member of this Department, except as expressly authorized by City policy, a collective bargaining agreement, or the Chief of Police.

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(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, a collective bargaining agreement, or the Chief of Police.

(i) Any act on or off duty that brings discredit to this Department.

(j) Failure to take reasonable action while on duty and when required by law, statute, resolution, or approved Department practices or procedures.

(k) Any activity that does not cultivate a culture of mutual support and mentoring.

326.5.9 CONDUCT

(a) Failure of any Department member to promptly and fully report activities on their part, or the part of any other member, where such activities resulted in the Department member being contacted by any other law enforcement agency that could result in criminal prosecution, a fit for duty concern, or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this Department.

(i) Unauthorized possession of, loss of, or damage to Department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of Department property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of Department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law, or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows, or reasonably should know, is unbecoming a member of this Department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this Department or its members.

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326.5.10 SAFETY

(a) Failure to observe or violating Department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on or off duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable and within 24 hours.

326.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated, or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

(d) 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.

326.6 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with the Personnel Complaints Policy.

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Authorized Personal Use of Public Property

327.1 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.”

327.2 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 regarding Electronic Mail, Information Technology Use, Mobile Data Terminals (MDT), and Protected Information.) 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

(a) 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;

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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.

(b) 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.

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Discipline

328.1 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.

328.2 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.

(a) **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.

(b) Infractions of **Category "B"** or higher will be disciplinary matters subject to formal disciplinary penalties as outlined below.

(c) Repeated infractions of any category may move an infraction to the next level.

328.3 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.

328.4 DISCIPLINARY CATEGORIES

328.4.1 CATEGORY "A" VIOLATIONS

(a) **Category "A"** violations are minor infractions and are not normally disciplinary matters.

(b) Second and/or subsequent violations, within a 12 consecutive month period, may be handled as Category "B" violations.

(c) **NOTE:** Formal discipline may be initiated if the conduct was determined to be the result of a disregard for safety.

(d) **CORRECTIVE ACTIONS:** Non-disciplinary instruction including training and/or counseling.

328.4.2 CATEGORY "B" VIOLATIONS

(a) Applies to the first occurrence of a violation listed under **Category "B"** on the Disciplinary Matrix.

(b) Subsequent violations of Category "B" within 36 consecutive months may move a violation to Category "C."

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(c) **CORRECTIVE ACTIONS:**

1. Letter of reprimand.
2. Disciplinary order of suspension of up to 20 hours loss of Paid Time Off (PTO) and/or suspension.

328.4.3 CATEGORY "C" VIOLATIONS

(a) Applies to the first occurrence of a violation listed under **Category "C"** on the Disciplinary Matrix.

(b) Subsequent violations of Category "C" within 60 consecutive months may move a violation to Category "D."

(c) **CORRECTIVE ACTIONS:** Disciplinary order of suspension of 21 to 40 hours loss of Paid Time Off (PTO) and/or suspension.

328.4.4 CATEGORY "D" VIOLATIONS

(a) Applies to the first occurrence of a violation listed under **Category "D"** on the Disciplinary Matrix.

(b) Subsequent violations of Category "D" may be moved to Category "E."

(c) **CORRECTIVE ACTIONS:** Disciplinary order of suspension of 41 to 150 hours loss of Paid Time Off (PTO) and/or suspension.

328.4.5 CATEGORY "E" VIOLATIONS

(a) Applies to the first occurrence of a violation listed under **Category "E"** on the Disciplinary Matrix.

(b) Subsequent violations of Category "E" may be cause for termination.

(c) **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.

328.4.6 DISCIPLINARY ACTIONS OUTSIDE OF MATRIX GUIDELINES

(a) In an effort to establish a consistent and just process for implementing disciplinary action, supervisors are to follow the disposition guidelines established in the Disciplinary Matrix, below.

(b) Nonetheless, there may be occasions when the breach of conduct, its impact and/or presence of mitigating or aggravating factors warrant a corrective action that falls outside of the pre-identified recommendations. In those circumstances, a supervisor shall consult with their chain of command on the explanation of the facts and/or circumstances involved that would justify any deviation from the Disciplinary Matrix guidelines. Any deviation shall be approved by the Chief of Police.

(c) Any request to deviate from the Disciplinary Matrix shall be included as part of the final adjudication of any disciplinary matter.

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328.5 DISCIPLINARY MATRIX

See attachment: Disciplinary Matrix 3-17-2026.pdf

328.6 RESIGNATIONS / RETIREMENTS PRIOR TO DISCIPLINE

(a) 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.

(b) The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

328.7 DISCIPLINE APPEALS PROCEDURE

In situations resulting in the imposition of a suspension of more than 20 hours, involuntary transfer from one position to another with less remuneration for any disciplinary reason, a final decision of the City on a grievance relating to a promotion, or termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Police Chief's imposition of discipline pursuant to West Valley City Municipal Code, Title 3, Chapter 3-11.

328.8 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.

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Information Technology Use

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of Department information technology resources, including computers, electronic devices, hardware, software, and systems.

329.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the West Valley City Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or Department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, **permanent file,** or **file** - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

329.2 POLICY

It is the policy of the West Valley City Police Department that members shall use information technology resources, including computers, software, and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

329.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any Department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the Department email system, computer network, and/or any information placed into storage on any Department system or device. This includes records of all keystrokes 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 username or password will not create an expectation of privacy if it is accessed through Department computers, electronic devices, or networks.

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The Department may not require a member to disclose a username and/or password that allows access to the member's personal internet accounts, except as may be provided in Utah Code 34-48-201.

329.4 RESTRICTED USE

Department members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

329.4.1 SOFTWARE

Members 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.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any Department computer. Members shall not install personal copies of any software onto any Department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the Department while on Department premises, computer systems, or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of Department- or City-approved or installed programs by the original manufacturer, producer, or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

329.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to Department-related activities. Data stored on or available through Department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or Department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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329.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to Department-related activities. Internet sites containing information that is not appropriate or applicable to Department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

329.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access Department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

329.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure Department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access Criminal Justice Information (CJI) are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

329.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of their supervisory duties or based on cause.

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Reasons for inspection or review may include but are not limited to computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any Department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract download, or otherwise obtain any and all temporary or permanent files residing or located in or on the Department computer system when requested by a supervisor or during the course of regular duties that require such information.

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Report Preparation

330.1 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 of events, 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.

330.1.1 DEFINITIONS

Criminal Justice Information (CJI) - Term used to refer to all of the FBI Criminal Justice Information Services (CJIS)-provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

Artificial Intelligence (AI) - A machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions that influence real or virtual environments. Artificial intelligence systems use machine- and human-based inputs to perceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inference to formulate options for information or action. (15 U.S.C. 9401(3))

Generative AI (GenAI) - refers to a class of artificial intelligence systems that are capable of generating content, such as text, images, video, or audio, based on a set of input data rather than simply analyzing or acting on existing data.

330.1.2 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 content is 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.

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Officers must prepare reports with the end goal of testifying in court based on the information contained in the report. The report must therefore be written by the employee directly involved in the collection of the information. Reports must be written in clear, concise language meant for the general public, avoiding overuse of jargon and police-specific language.

330.2 USE OF ARTIFICIAL INTELLIGENCE GENERATED POLICE DOCUMENTS

The use of open source artificial intelligence (AI), (ChatGPT and similar applications), to create or analyze any formal document that may require testimony (e.g., official reports, probable cause statements, warrants, etc.), and which contains protected criminal justice information (CJI), is prohibited.

Employees may use technology, (Generative AI), to: correct spelling, suggest grammar and syntax options, and to format their reports, so long as the program being used is Criminal Justice Information Service (CJIS)-compliant and approved by the West Valley City IT Division.

330.3 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

330.3.1 CRIMINAL ACTIVITY

When a Department member 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 member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests.

(b) All felony crimes.

(c) Non-felony incidents involving threats or stalking behavior.

(d) Situations covered by separate policy. These include:

1. Use of Force Policy.
2. Domestic Violence Policy.
3. Child Abuse Policy.
4. Adult Abuse Policy.
5. Hate Crimes Policy.
6. Suspicious Activity Reporting Policy.

(e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the Department-approved alternative reporting method (e.g., dispatch log).

330.3.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

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(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 Policy).

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).

(e) Any found property or found evidence.

(f) Any traffic collision above the minimum reporting level (see the 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.

330.3.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. 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.

330.3.4 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 Management assistance.

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330.3.5 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/serious, 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.

330.3.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number, or ability to trace the item.

1. Thefts of cellular telephones may be reported online even though they have a serial number.

(c) Vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect.

(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.

(j) Supplemental property lists.

(k) Non-injury vehicle accidents.

(l) Custodial interference.

(m) Graffiti.

Members of the Department at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Trade Commission (FTC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

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330.4 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.

330.4.1 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.

330.4.2 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.

330.5 REPORT SUBMISSION, PROCESSING AND REVIEW

Upon completion, all reports shall be submitted through the Records Management System (RMS) for supervisory review and processing by the Records Section.

330.6 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.

330.7 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.

330.8 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

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accomplished. These activities will be reviewed during regular meetings between the Accreditation Manager and the Deputy Chief of the Administrative Services Bureau.

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Media Relations

331.1 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.

331.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

331.2.1 SUPERVISOR'S 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 (PIO) shall be notified.

If an on-duty Watch Commander is not available, the highest ranking supervisor on duty 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.

331.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

(a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.

    1. Based upon available resources, 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 PIO or other designated spokesperson.

(c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.

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(d) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

331.4 PUBLIC INFORMATION OFFICER, DUTIES OF

The Chief of Police shall designate a Public Information Officer (PIO) to serve as media spokesperson for the Department. The duties of the Public Information Officer will include:

(a) Coordinate information with West Valley City's Communication Director.

(b) Follow up on 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.

331.5 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of Department members 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 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 a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person, or is otherwise prohibited by law.

331.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members of the Department shall consider the following:

(a) At no time shall any member of this Department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.

(b) In situations involving multiple agencies or government departments, 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 this Department make any comment to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

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331.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release, and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

331.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Records Officer, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release policy and public records laws (e.g., Government Records Access and Management Act).

331.7.2 MINOR VICTIMS OF CRIMINAL HOMICIDE

The Department should not release the name or the personal identifying information of a minor victim of a criminal homicide to the media until reasonable steps have been taken to obtain the consent of the victim's parent or legal guardian to release the information (Utah Code 53-25-101).

331.7.3 ONGOING CRIMINAL INVESTIGATIONS

Media requests for information about an ongoing criminal investigation should be evaluated by the Investigations Section supervisor and the PIO. If a release of information could reasonably be expected to interfere with the investigation, the information shall not be released.

331.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the Department website or other electronic data sources.

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Court Appearance and Subpoenas

332.1 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 (UCA 78B-1-130).

332.1.1 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.

332.2 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.

332.2.1 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.

332.2.2 SUBPOENAS FROM PROSECUTING AGENCIES

Subpoenas for criminal court appearance for prosecuting agencies shall be received, recorded and distributed as noted 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.

The subpoenaed employee must take the subpoena with them to court at the time of the court appearance.

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332.2.3 ACCEPTANCE OF SUBPOENAS FROM PROSECUTING AGENCIES

(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.

332.2.4 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**.

332.2.5 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.

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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.

332.2.6 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.

332.2.7 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.

332.2.8 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.

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332.2.9 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 (UCA 78B-1-131).

332.2.10 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 or the prosecuting attorney's supervisor** 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 (UCA 78B-1-131).

332.3 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 canceled by the Court or Prosecuting Attorney are not entitled to compensation.

332.4 COURTHOUSE PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

332.4.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

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332.4.2 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 policy regarding Authorized Attire and Uniforms.

332.5 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.

332.6 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.

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Reserve and Auxiliary Officers

333.1 PURPOSE AND SCOPE

The West Valley City Police Department Reserve Unit exists to supplement and assist regular sworn police officers in their duties, assist with major emergencies, and provide adequate staffing for special events. For the purposes of this policy, "Reserve" includes reserve and auxiliary officers unless specifically described otherwise.

333.1.1 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; Utah Code 53-13-112).

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 in Utah Code 53-13-101(14)(a)(Utah Code 53-13-101(14)(b)).

333.2 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.

333.2.1 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 Police Officer Standards and Training (POST) requirements.

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333.2.2 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 Chief of Police 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 abilities.

The Department may utilize a sworn and certified peace officer in a reserve or auxiliary capacity (Utah Code 53-13-111(1)(a)).

333.2.3 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 safety equipment and are required to have a Class A uniform, at minimum. 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 half that of full-time officers.

333.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this Department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

333.3 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 Bureau, or assist with staffing for special events. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 10 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 backup 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).

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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.

333.3.1 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 they 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.

333.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or their designee.

333.3.3 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 callout roster.

(d) Maintaining performance evaluations and ensuring they are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

333.4 FIELD TRAINING

333.4.1 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.

333.4.2 PRIMARY TRAINING OFFICER

Upon completion of the "in-house" academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with their primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase (Phase I).

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333.4.3 FIELD TRAINING

Each new reserve officer will be shown their field training expectations, in the Department training management software, at the beginning of the Primary Training Phase. These training expectations are 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.

333.4.4 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 they have not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

333.4.5 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 objectives. At the completion of Phase II of training, the reserve officer will return to their primary training officer for Phase III.

333.4.6 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 their formal training. If the reserve officer has progressed satisfactorily, the reserve officer will then graduate from the formal training process. If their progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

333.4.7 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. They 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.

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333.4.8 TRAINING REQUIREMENTS

Entry level officers shall be required to successfully complete the Reserve Officer Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience. However, the training program for lateral officers will be at least 80 hours 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 Field Training Officers, shifts and geographical areas during their Reserve Officer Training Program.

A rehired employee will be required to participate in the Reserve Officer Training Program for a 40 hour period; however, this requirement may be waived or extended depending on the Trainee's demonstrated performance and level of experience. At a minimum, a rehired employee shall understand any changes to policy or to any procedures that have occurred during their absence from the Department. Rehired employees will be assigned to duty by their Bureau Chief with any training needs addressed under the direction of their immediate supervisors.

333.5 SUPERVISION OF RESERVE OFFICERS

Depending on their level of certification and number of hours with the Department, reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer.

Auxiliary officers shall work under the direction and immediate supervision of a certified law enforcement officer as defined in Utah Code 53-13-103.

333.5.1 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.

333.5.2 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.

333.5.3 UNIFORM AND EQUIPMENT

The reserve officer uniform shall be the same as that worn by a regular full-time officer. Reserve officers shall conform to all uniform regulations and appearance standards of the Department.

All reserve officers shall have access to the same equipment as regular officers performing like functions.

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333.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against them or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Bureau Commander.

Reserve officers are considered at-will employees.

Any disciplinary action administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

333.5.5 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.

333.6 FIREARMS REQUIREMENTS

333.6.1 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)).

333.6.2 ADDITIONAL CONSIDERATIONS

A reserve officer shall not carry a concealed Department firearm while in an off-duty capacity, other than to and from work. A personally owned firearm may be carried off duty only if the officer possesses a valid Concealed Weapon License (CWL) issued by the Department of Public Safety, Bureau of Criminal Investigation or is otherwise authorized under state law or the Law Enforcement Officers' Safety Act (18 USC § 926B).

An instance may arise where a reserve officer is assigned to a plainclothes detail for their 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 their proficiency with said weapon.

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333.6.3 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 at least every Annually.

(b) Should a reserve officer fail to qualify over a two-month period, that reserve officer will not be allowed to carry a firearm until proficiency has been reestablished.

333.7 EMERGENCY CALLOUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency callout procedure for reserve personnel.

333.8 LIABILITY PROTECTION

Reserve officers shall be provided liability protection in the same manner as regular officers performing like functions.

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Outside Agency Assistance

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

334.2 POLICY

It is the policy of the West Valley City Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this Department.

334.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this Department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this Department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this Department until arrangements for transportation are made by the outside agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

334.3.1 INITIATED ACTIVITY

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).

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the West Valley City Police Department shall notify his/her supervisor or the Watch Commander and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

334.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

334.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

334.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Bureau Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

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Registered Offender Information

335.1 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, kidnap, and child abuse offenders.

335.2 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.

335.3 REGISTRATION

The Investigations 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. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Utah Department of Public Safety (DPS).

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 (Utah Code 53-29-305).

335.3.1 CONTENTS OF REGISTRATION

Members assigned to register offenders should obtain the following information from registering offenders (Utah Code 53-29-304):

(a) All names and aliases.

(b) The primary and secondary residence addresses.

(c) A physical description, date of birth, height, weight, eye, and hair color.

(d) The make, model, color, year, plate number, and vehicle identification number of any vehicle or vehicles owned or driven more than 12 times per year.

(e) A current photograph.

(f) A set of fingerprints, if one has not already been provided.

(g) A DNA specimen, taken in accordance with Utah Code 53-10-404, if one has not already been provided.

(h) Telephone numbers and any other designations used for routing or self-identification in telephonic communications from fixed locations or cellular telephones.

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(i) Internet identifiers and any addresses used for routing or self-identification in internet communications or postings.

(j) The name and internet address of all websites on which the person is registered using an online identifier, including all online identifiers used to access those websites.

(k) A copy of any passport.

(l) If the person is an alien, all documents establishing immigration status.

(m) All professional licenses that authorize engaging in an occupation or carrying out a trade or business, including any identifiers, such as numbers.

(n) Each educational institution in Utah at which the person is employed, carries on a vocation, or is a student, and any change of enrollment or employment status at any educational institution.

(o) The name, telephone number, and address of any place of employment.

(p) The name, telephone number, and address of any place where the person volunteers.

(q) The person's Social Security number.

Members assigned to register offenders should inform the offender of the duty to comply with the continuing registration requirements and identification card requirements, if applicable (Utah Code 53-29-302).

335.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Section supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on DPS's Sex, Kidnap, and Child Abuse Offender Notification and Registration (SONAR) website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to DPS.

The Investigations 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.

335.4.1 MONITORING SEX OFFENDERS WITHOUT RESIDENCES

The Investigations Section supervisor should establish a system for monitoring sex offenders without a residential address. The system should include procedures for (Utah Code 53-29-308; Utah Code 53-29-406):

(a) Notifying DPS within one business day when it is discovered that a sex offender required to register with the Department does not have a residential address (Utah Code 53-29-302).

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(b) Receiving notices from DPS or other law enforcement agencies when a sex offender under the program transfer into the jurisdiction of the Department and initiating monitoring of those offenders.

(c) Notifying DPS and other appropriate law enforcement agencies when a sex offender under the program leaves the Department's jurisdiction.

(d) Applying for arrest warrants and coordinating with other law enforcement agencies to locate and arrest sex offenders, as required under the program.

(e) Complying with any other requirements of the DPS monitoring program for sex offenders who are unable to provide residence information.

335.5 DISSEMINATION OF PUBLIC INFORMATION

Members of the Department will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members 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 the DPS's SONAR website for specific registrant information and photographs (Utah Code 53-29-404).

The Records Section Director shall release local registered offender information to residents in accordance with Utah Code 53-29-303 and in compliance with a Government Records Access and Management Act (GRAMA) request.

335.5.1 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.

335.6 LEGAL MANDATES AND RELEVANT LAWS

Members responsible for registering and entering sex, kidnap, or child abuse offenders into the database must be certified by the Utah DPS. To obtain and retain certification, the employee must receive initial and annual training from DPS (Utah Code 53-29-302).

The Training Unit sergeant will be responsible for ensuring the appropriate training and certifications are maintained.

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Major Incident Notification

336.1 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.

336.2 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.

336.3 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 Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee on- or off-duty
- Death of a prominent West Valley City official
- Arrest of Department employee or prominent West Valley City official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Press Inquiries
- Situations where there may be a question of liability
- Incidents that may result in heightened community interest

336.4 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 listed above in a Critical Incident Notification e-mail message.

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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 Watch Commander Log.

336.4.1 STAFF NOTIFICATION

In the event an incident occurs described in MINIMUM CRITERIA FOR NOTIFICATION, the Chief of Police shall be notified along with the affected Bureau Commander, the Section Lieutenant and the Public Information Officer (PIO).

336.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the on-call detective shall be contacted.

336.4.3 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.

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Death Investigation

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for when officers initially respond to and investigate the circumstances of a deceased person. Some causes of death may not be readily apparent, and some cases differ substantially from what they appeared to be initially. Thorough death investigations and the use of appropriate resources and evidence-gathering techniques are critical.

337.2 POLICY

It is the policy of the West Valley City Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted and properly documented.

337.3 INVESTIGATION CONSIDERATIONS

Emergency Medical Services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigations Section as necessary.The Watch Commander will make notification to command staff in accordance with the Major Incident Notification Policy.

337.3.1 MEDICAL EXAMINER REQUEST

Officers are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners, or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths, or deaths due to other than natural causes. State law requires that the Medical Examiner be notified in any of the following cases (Utah Code 26B-8-205; Utah Code 26B-8-206):

(a) Unattended deaths wherein the deceased has not been attended by a physician in a professional capacity in the 365 days prior to death (Utah Code 26B-8-201).

(b) Deaths by violence, gunshot, suicide, or accident.

(c) Sudden death while in apparent good health.

(d) Unattended deaths, except that an autopsy may only be performed in accordance with the provisions of Utah Code 26B-8-207.

(e) The death is under suspicious or unusual circumstances.

(f) The death results from poisoning or overdose of drugs.

(g) The death results from diseases that may constitute a threat to the public health.

(h) The death results from disease, injury, toxic effect, or unusual exertion incurred within the scope of the decedent's employment.

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(i) The death is due to sudden unexpected infant death.

(j) 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 (Utah Code 26B-8-115).

(k) When there is a reason to believe that a child has died as a result of child abuse or neglect (Utah Code 80-2-604).

(l) The 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.

(m) The death is associated with diagnostic or therapeutic procedures.

(n) When the death is being investigated as a homicide.

(o) When a death results directly from the actions of a law enforcement officer.

337.3.2 SEARCHING DEAD BODIES

(a) The Medical Examiner, the Medical Examiner's assistant, and authorized investigators are generally the only persons permitted to move, handle, or search a dead body.

(b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or the Medical Examiner's assistant shall be promptly notified.

(c) The Medical Examiner, with the permission of the Department, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

(d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or the Medical Examiner's assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or the Medical Examiner's assistant when practicable.

(e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Medical Examiner or the Medical Examiner's assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or the Medical Examiner's assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

337.3.3 DEATH NOTIFICATION

When practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be

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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.

In situations where serious injuries or illnesses exist, officers should work with medical personnel to promptly attempt to contact next-of-kin, either in person or by telephone, based on circumstances such as the location of family members. Whenever possible, assistance should be obtained from clergy, a relative, or close friend.

337.3.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established, the Medical Examiner will assign a unique identifying number to the body and maintain a file under the assigned number. If possible, this number when applicable shall be included in any report.

337.3.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

337.3.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigations Section shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Watch Commander or Investigations Section supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

The following police and other personnel shall be notified, in accordance with the directions given them by their chain of command:

(a) Chief of Police.

(b) Deputy Chiefs of Police.

(c) Public Information Liaison.

(d) Investigations Section Lieutenant.

(e) Homicide Unit Sergeant.

(f) Forensics Unit Director

(g) Medical Examiner's Office.

(h) Salt Lake District Attorney's Office.

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337.3.7 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 year (365 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 (via Watch Commander Log entry)

(c) Investigations Section (via Watch Commander Log entry)

(d) 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.

337.3.8 UNATTENDED DEATHS

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.

(d) Patrol Operations Bureau and Special Operations Bureau Deputy Chiefs.

337.3.9 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) Special Operations Bureau Deputy Chief.

(c) Traffic Unit Sergeant.

(d) Traffic Unit Major Accident Investigators.

(e) Medical Examiner's Office.

337.3.10 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this Department 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, should ensure that the nearest office of the Utah Division of Occupational Safety and Health is notified with all pertinent information.

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337.4 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 placed 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 Escheat Laws. Notification to the District Attorney's and County Treasurer's Office shall be made by the detective assigned to the investigation.

337.5 TRAINING IN MANAGING DEATH INVESTIGATION CASES

The Special Operations Bureau Deputy Chief will ensure that training occurs for personnel responsible for managing Death Investigation cases, and for personnel potentially impacted by these events.

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Temporary Detention by Private Persons

338.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of an individual temporarily detained by a private person.

338.2 POLICY

It is the policy of the West Valley City Police Department to arrest an individual who has been temporarily detained by a private person only when an arrest is legal and appropriate.

338.3 TEMPORARY DETENTIONS BY PRIVATE PERSONS

A private person may temporarily detain another under the following circumstances (Utah Code 77-7-3):

(a) A public offense is committed or attempted in the private person's presence.

(b) A felony has been committed, and the private person has reasonable cause to believe the individual being detained has committed it.

1. Private persons may not detain an individual on suspicion that a felony has been committed. The felony must in fact have taken place.

For a temporary detention by a private person to be lawful, the private person must immediately notify law enforcement of the situation and the temporary detention unless they know another person has already done so, and the temporary detention lasts only until officers arrive (Utah Code 77-7-3).

338.3.1 FORCE TO MAKE A PRIVATE PERSONS ARREST

Any person is justified in using any force, except deadly force, that he/she reasonably believes to be necessary to effect an arrest or to defend himself/herself or another from bodily harm while making an arrest (Utah Code 76-2-403).

338.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have temporarily detained an individual should determine whether such a detention is lawful (Utah Code 77-7-7.1).

If the officer determines that the temporary detention is unlawful, the officer should:

(a) Take no action to further detain or restrain the individual unless there is independent justification for continuing a detention.

(b) Advise the parties that the detention will not be accepted but the circumstances will be documented in a report.

(c) Document the incident, including the basis for refusing to accept custody of the individual.

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Whenever an officer determines that a temporary detention by a private person is lawful, the officer may take the individual into custody and proceed in the same manner as with any other arrest (Utah Code 77-7-7.1)

338.5 PRIVATE PERSON'S WITNESS STATEMENT

The private person claiming to have made a temporary detention should be asked to complete and sign a West Valley City Police Department 1102 Witness Statement. If the person fails or refuses to do so, the detained individual should be released, unless the officer has a lawful reason, independent of the private person's temporary detention, to take the individual into custody and determines an arrest is appropriate.

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ADA Compliance

339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to West Valley City Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

339.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Chief of Police to coordinate the Department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the West Valley City Police Department and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of Department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a Department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters. Qualified interpreters should have a certification approved by the Utah Division of

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Services for the Deaf and Hard of Hearing Interpreters Certification Board (Utah Code 35A-13-605; UAC R993-300-301 et seq.).

339.2 POLICY

It is the policy of the West Valley City Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

339.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

(a) Collaborating with the City ADA coordinator regarding the West Valley City Police Department's efforts to provide equal access to services, programs, and activities.

1. Maintaining Department compliance with accessibility standards for Department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).

(b) Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:

1. Inspection of current Department facilities to identify access issues.
2. Review of current Department services, activities, and programs for access issues.
3. Assessment and update, if necessary, of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the Department's emergency programs, services, and activities as they apply to persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.

(c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to Department services, programs, and activities.

(d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.

1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.

(e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to Department services, programs, and activities, as appropriate.

(f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

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(g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing Department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).

(h) Collaborating with other city departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

(i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).

(j) Verifying that third parties providing Department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.

(k) Recommending amendments to this policy as needed.

339.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

339.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

(a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

1. A substantial alteration of the service, program, or activity.

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2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
3. A threat to or the destruction of the historic significance of a historic property.
4. A direct threat to the health or safety of others (28 CFR 35.139).

(b) If any of these circumstances are present, the ADA coordinator should work with Department members and the person requesting the modification to determine if an alternative modification is available.

(c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with Department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
2. Utilizing technology, equipment, rolling stock, or other conveyances.
3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
4. Any other means or methods that would make services, programs, or activities readily accessible.

(d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

339.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

339.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

339.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members of the Department should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

(a) The methods of communication usually used by the individual.

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(b) The nature, length, and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

339.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to Department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use Department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

339.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

339.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time.

(b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.

(c) Familiar with the use of text- and video-based communications products and systems.

(d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

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(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use Department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

339.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

339.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, Department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, Department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

339.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, Department members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

339.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this Department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to

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determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

339.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this Department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

339.7 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use Department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

339.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

339.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

(a) The type of modification, assistive device, auxiliary aid, or service provided.

(b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.

(c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

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All written communications exchanged in a criminal case shall be attached to the Department member's report or placed into evidence.

339.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the Department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this Department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

339.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

(a) Awareness and understanding of this policy, related procedures, forms, and available resources.

(b) Procedures for handling requests for modifications.

(c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.

(d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Unit sergeant should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

339.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of Department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.

(d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

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ADA Compliance

Training should be provided for all Dispatch members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

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Limited English Proficiency (LEP) Services

340.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

340.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been authorized by the Department to act as an interpreter and/or translator for others.

Interpret or 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) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., 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.

Qualified bilingual member - A member of the West Valley City Police Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

340.2 POLICY

It is the policy of the West Valley City Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

340.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with Department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

340.4 TYPES OF LEP ASSISTANCE AVAILABLE

West Valley City Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

(a) The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.
See attachment: LEP Speak Guide (Limited English Proficiency Services Language Card).pdf

(b) LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

(c) Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

340.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

340.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

340.7 QUALIFIED BILINGUAL MEMBERS

Bilingual members of the Department may be qualified to provide LEP services when they have demonstrated a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this Department is not available, officers will contact language services provided through dispatch or request a qualified bilingual member from a neighboring agency.

340.8 AUTHORIZED INTERPRETERS

Any person who acts as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the Department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

340.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Department members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this Department.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies with whom the Department has a resource-sharing or other arrangement that they will interpret according to Department guidelines.
- Contracted telephone interpretation services.

340.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, Department members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

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340.8.3 TRANSLATION APPLICATIONS AND ELECTRONIC TRANSLATION DEVICES
Translation applications and electronic translation devices shall follow approved communication methods for each level of interaction:

(a) Level 1 - Routine Communication:

- Traffic stops, field interviews, front-counter assistance, directions, community contacts. brief non-evidentiary communication, language identification, and officer-safety commands.
- Translation applications, electronic translation devices, bilingual employee, or authorized interpreter may be used.

(b) Level 2 - Investigative Communication:

- Preliminary victim/witness interviews and non-custodial interviews.
- Translation applications, electronic translation devices, bilingual employee may be used when understanding is verified. An authorized interpreter should be used when practical.

(c) Level 3 - Constitutional/Evidentiary Communication:

- Miranda, consent to search, custodial interrogations, vital document translation, or other legally significant communications.
- A court qualified bilingual employee or authorized interpreter should be used except in a documented exigency, and any such communication must be confirmed through a qualified interpreter as soon as practicable.

340.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this Department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this Department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

340.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The West Valley City Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

340.10.1 EMERGENCY CALLS TO 9-1-1
Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to

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initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

(a) If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual, and the interpreter.

(b) Dispatchers will make every reasonable effort to dispatch a qualified bilingual Department member to the assignment, if available and appropriate.

(c) While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

340.11 FIELD ENFORCEMENT

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 that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

(a) Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

(b) If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

340.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. 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.

(a) If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

1. An authorized Department member or allied agency interpreter.
2. An authorized telephone interpreter.
3. Any other authorized interpreter.

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(b) Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

(c) The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

340.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

340.14 BOOKINGS

When gathering information during the booking process, Department members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

340.15 COMPLAINTS

(a) The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this Department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate.

(b) Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this Department.

(c) Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

340.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Department are important to the ultimate success of more traditional law enforcement duties. This Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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340.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access Department-authorized telephonic and in-person interpreters and other available resources.

The Training Unit sergeant shall be responsible for ensuring new employees of the Department receive training on communication with individuals of limited English proficiency (LEP).

340.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training.

(a) To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(b) Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

(c) The Training Unit sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Service Animals

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

341.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is 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 individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

All references to "service animals" in this policy include a dog undergoing training to become a service animal (Utah Code 26B-6-801).

341.2 POLICY

It is the policy of the West Valley City Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

341.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

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 (28 CFR 35.136; Utah Code 26B-6-803).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

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.

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- Pulling wheelchairs.
- Providing physical support and assisting 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.

341.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally 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 member should ask the individual only the following questions (28 CFR 35.136(f)):

- 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 questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

341.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

341.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a Department supervisor may direct the handler 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 service animal (28 CFR 35.136 (b); 28 CFR 35.139).

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 access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

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341.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members 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 handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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 (DOJ).

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Mandatory Employer Notification

342.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures to follow when a school employee has been arrested for certain offenses.

342.2 POLICY

The West Valley City Police Department will meet the reporting mandates of Utah Code 53-10-211 to minimize the risks to children or others.

342.3 MANDATORY NOTIFICATION

If a school employee is arrested, or the Department receives information from another jurisdiction of a school employee's arrest for any of the following offenses, the Chief of Police or the authorized designee shall immediately report the arrest to the State Board of Education and the superintendent of the school district that employs the employee (Utah Code 53-10-211):

(a) An applicable controlled substance offense under Utah Code 76-18-201 et seq.

(b) Any offense under Utah Code 76-5-401 et seq. (sexual offenses).

(c) Any offense involving sexual conduct.

If the person is an employee of a private school, notification shall be made to the administrator of the school.

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Chaplains

343.1 PURPOSE AND SCOPE

This policy establishes the guidelines for West Valley City Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

343.2 POLICY

The West Valley City Police Department shall ensure that Department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

343.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

343.4 RECRUITMENT, SELECTION AND APPOINTMENT

The West Valley City Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this Department.

All applicants shall be required to meet and pass the same pre-employment procedures as Department personnel before appointment.

343.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with Department policy on equal opportunity and 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. Chaplain candidates are encouraged to participate in ride-alongs with Department members before and during the selection process.

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343.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain 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 the authorized designee.

343.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued West Valley City Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard West Valley City Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or Department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this Department.

343.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Bureau Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

343.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment thePatrol Bureau. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this Department. 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 any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the West Valley City Police Department.

343.7.1 COMPLIANCE

Chaplains are volunteer members of this Department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

343.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with West Valley City Police Department personnel a minimum of eight hours per month.

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(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

(d) 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 has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the West Valley City Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current Department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

343.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to Department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

343.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this Department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) 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 mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of Department members.

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(e) Attending Department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

343.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

343.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

343.8 PRIVILEGED COMMUNICATIONS

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, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-Departmental counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any West Valley City Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

343.9 TRAINING

The Department will establish a minimum number of training hours and standards for Department chaplains. The training, as approved by the Training Unit sergeant, may include:

- Stress management.
- Death notifications.
- Symptoms of post-traumatic stress.
- Burnout for members of law enforcement and chaplains.

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- Legal liability and confidentiality.
- Ethics.
- Responding to crisis situations.
- The law enforcement family.
- Substance abuse.
- Suicide.
- Officer injury or death.
- Sensitivity and diversity.

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Public Safety Video Surveillance System

344.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of Department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

344.2 POLICY

The West Valley City Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

344.3 OPERATIONAL GUIDELINES

Only Department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

344.3.1 MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

(d) To assist in identifying, apprehending and prosecuting offenders.

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(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera:

(a) When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officersin a timely manner.

(b) Trained personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

(c) The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

(d) Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

344.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of Department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

344.3.2 CAMERA MARKINGS

All public areas that are monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

344.4 VIDEO SUPERVISION

The IIU supervisor should monitor video surveillance access and usage to ensure members are within Department policy and applicable laws. IIU should ensure such use and access is appropriately documented.

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344.4.1 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

344.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and stored in evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

344.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be 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, digital masking of innocent or uninvolved individuals to preserve anonymity, 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.

344.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the West Valley City Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

344.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and

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effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

344.8 TRAINING

All Department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Child and Dependent Adult Safety

345.1 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 and the Adult Abuse Policy.

345.2 POLICY

It is the policy of this Department to mitigate, to the extent reasonably possible, the stressful experience individuals 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, including call-out availability and follow-up responsibilities.

345.3 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.

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345.3.1 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. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver'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.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services, if appropriate.

(e) 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.

345.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone 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.

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345.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name.
2. Sex.
3. Age.
4. Special needs (e.g., medical, mental health).
5. How, where and with whom or which agency the child was placed.
6. Identities and contact information for other potential caregivers.
7. Notifications made to other adults (e.g., schools, relatives).

(b) For all arrests where dependent adults are present or living in the household, the reporting member 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.

345.3.4 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 a crisis telephone number, the appropriate referral information may be provided.

345.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact 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.

345.5 TRAINING

The Training Unit sergeant is responsible to ensure that all members of this Department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Volunteer Program

346.1 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.

346.1.1 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, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

346.2 VOLUNTEER MANAGEMENT

346.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Chief of Police or designee. 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) Maintaining the 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.

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(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

346.2.2 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.

346.2.3 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.

346.2.4 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.

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346.2.5 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.

346.2.6 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.

346.2.7 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.

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346.3 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.

346.4 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.

346.5 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.

346.5.1 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:

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(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.

346.5.2 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.

346.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. 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.

346.6.1 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.

346.7 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.

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Off-Duty Law Enforcement Actions

347.1 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.

347.2 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).

347.3 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's Firearms 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, taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

347.4 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.

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(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.

347.4.1 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/herself as an West Valley City Police Department officer until acknowledged. Official identification should also be displayed.

347.4.2 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.

347.4.3 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.

347.4.4 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.

347.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of an 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.

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Department Use of Social Media

348.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the Department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by Department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this Department (see the Investigation and Prosecution Policy).

348.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the Department website or social networking services.

348.2 POLICY

The West Valley City Police Department may use social media as a method of effectively informing the public about Department services, issues, investigations, and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

348.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only Department-approved equipment during the normal course of duties to post and monitor Department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over Department social media by members who are not authorized to post should be made through the member's chain of command.

348.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the Department mission, and that conforms to all Department policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the Department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

348.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

348.5 PROHIBITED CONTENT

Content that is prohibited from posting includes but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the West Valley City Police Department or its members.

(e) Any information that could compromise the safety and security of Department operations, members of the Department, victims, suspects, or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy, or a supervisor.

(h) Personal information of an officer, or the officer's immediate family member.

1. The Chief of Police or the authorized designee shall provide the officer with a form to request that the information remain private (Utah Code 53-18-102; Utah Code 53-18-103).

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Any member who becomes aware of content on this Department's social media site that they believe is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

348.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact Department members directly.

348.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of Department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

348.7 RETENTION OF RECORDS

The Administrative Services Bureau Commander should work with the Records Officer to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

348.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination, and retention of information posted on Department sites.

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Community Relations

349.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

349.2 POLICY

It is the policy of the West Valley City Police Department to promote positive relationships between Department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

349.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the Department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

349.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Special Operations Bureau Chief or the authorized designee and is responsible for:

(a) Obtaining Department-approved training related to his/her responsibilities.

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(b) Responding to requests from Department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the Department's relationship with the community.

(d) Working with community groups, Department members and other community resources to:

  (a) Identify and solve public safety problems within the community.

  (b) Organize programs and activities that help build positive relationships between Department members and the community and provide community members with an improved understanding of Department operations.

(e) Working with the Patrol Bureau Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing Department and community members for exceptional work or performance in community relations efforts.

(g) Attending City council and other community meetings to obtain information on community relations needs.

(h) Assisting with the Department's response to events that may affect community relations, such as an incident where the conduct of a Department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the Department's community relations goals, as appropriate.

349.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and Department members to be conducted periodically to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department.

(b) Overall competence of Department members.

(c) Attitude and behavior of Department members.

(d) Level of community trust in the Department.

(e) Safety, security or other concerns.

A written summary of the compiled results of the survey should be provided to the Chief of Police.

349.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for Department members and community members, especially youths, to interact in a positive setting. Examples of such programs and events include:

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(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood watches and crime prevention programs.

349.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in Department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

349.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Along Program Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by Department members.

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349.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

349.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Department to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Department and the community.

(d) Participate in community outreach to solicit input from community members, including youths from the community.

The Training Unit sergeant should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of Department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

349.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

349.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the Department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community

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advisory committee to identify information that may increase transparency regarding Department operations.

349.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Native American Graves Protection and Repatriation

350.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

350.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

350.2 POLICY

It is the policy of the West Valley City Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary

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objects, sacred objects, or objects of cultural patrimony is the responsibility of all members of the Department. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

350.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture.
- State land/private land - Antiquities Section of the Utah State Historic Preservation Office (Utah Code 9-8a-304 et seq.).
- Tribal land - Responsible Indian tribal official.

350.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members of the Department shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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Grant Management / Billing

351.1 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.

351.2 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.

351.3 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.

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 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.

351.4 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.

351.5 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.

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Grant Management / Billing

- 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.

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Crisis Response Teams

352.1 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.

352.1.1 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.

352.1.2 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.

352.2 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.

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352.2.1 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.

352.2.2 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.

352.2.3 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.

(a) 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.

(a) Protocols for a sustained operation, which may include relief, rotation of personnel and augmentation of resources.

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(b) 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.

(c) The appropriate role for a trained negotiator.

(d) A standard method of determining whether a warrant should be regarded as high-risk.

(e) 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.

(f) 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.

(g) Sound risk management analysis.

(h) Standardization of equipment deployed.

352.3 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.

352.3.1 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.

352.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

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SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training every 24 months.

352.3.3 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.

352.3.4 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.

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(f) Each SWAT member shall complete a fit-test of their issued respirators annually in accordance with the Personal Protective Equipment policy for Respirator Fit Testing.

352.3.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

352.3.6 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.

352.3.7 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.

352.4 UNIFORMS, EQUIPMENT AND FIREARMS

352.4.1 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.

352.4.2 EQUIPMENT
SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency. All equipment will be stored and maintained in a manner consistent with manufacturer's recommendations.

352.4.3 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.

352.4.4 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.

352.5 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.

352.5.1 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.

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352.5.2 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.

352.6 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.

352.6.1 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.

352.6.2 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.

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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.

352.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The following procedures serve as directives for the administrative operation of the SWAT Team.

352.7.1 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.

(a) 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.

(b) 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.

(c) 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.

(d) A list of successful applicants shall be submitted to the Chief of Police, by the SWAT Commander, for final selection.

352.7.2 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

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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.

352.8 OPERATION GUIDELINES FOR CRISIS RESPONSE TEAMS

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. 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 CRU Commander.

352.8.1 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.

352.8.2 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.

352.8.3 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.

352.8.4 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.

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352.8.5 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.

352.8.6 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.

352.8.7 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

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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.

352.8.8 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.

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Rapid Response and Crisis Team Deployment

353.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and crisis team deployment.

353.2 POLICY

The West Valley City Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

353.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of any hostages.

353.4 FIRST RESPONSE

The West Valley City Police Department recognizes that assigning an incident commander, as soon as it is practical to do so, is preferred. This should not supersede any officer from taking immediate action if necessary. Responding officers should coordinate a command location, incident commander, and a coordinated deployment.

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 reduce, prevent or 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.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers shall take immediate action, if reasonably practicable, while requesting additional assistance.

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Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved out of danger or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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).

353.5 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 stop the active threat.

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.

353.6 PUBLIC NOTIFICATION

During the initial phases of an active threat incident, the Watch Commander will work with the Public Information Liaison, 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.

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Notification may include, but is not limited to, traditional media outlets, social media, and/or emergency broadcast systems.

353.7 PLANNING

The Department Emergency Management Coordinator should coordinate critical incident planning.

Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Training opportunities in critical incident target sites.

(d) Patrol first response training.

(e) Response coordination and resources of emergency medical and fire services.

(f) Equipment needs.

(g) Mutual aid agreements with other agencies.

(h) Coordination with private security providers in critical incident target sites.

353.8 TRAINING

The Training Unit sergeant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

(f) An annual review of this policy will be conducted and documented. Any future training needs will be identified and implemented as needed.

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Unmanned Aerial System (Drone Policy)

354.1 PURPOSE AND SCOPE

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.

354.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

354.2 POLICY

A UAS may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights, and Federal Aviation Administration (FAA) regulations.

354.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent an authorized reason, operators and visual observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and visual observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

Locations where a person may have a reasonable expectation of privacy include:

(a) In a residence.

(b) In the enclosed yard of a residence.

(c) On private property where activity cannot be seen from the street or ground level.

Methods that may be used to avoid recording private activity include:

(a) Deactivating a recorder or imaging device until the UAS is away from the potentially private activity.

(b) Turning the recorder or imaging devices away from persons or locations during UAS operations.

354.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

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- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for Department operations.
- 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.
- Developing uniform protocols 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 written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols 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.
- Developing a protocol for fully documenting all missions.
- Developing UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- 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.
- Facilitating law enforcement access to images and data captured by its UAS.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Ensuring that data collected on a person, object, structure, or area that is not a target, as defined by Utah Code 72-10-801, is not used, copied, or disclosed except as allowed by law (Utah Code 72-10-803).
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

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354.5 USE OF UAS

(a) Only authorized operators who have completed the required training shall be permitted to operate the UAS.

(b) Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

(c) UAS operations should only be conducted consistent with FAA regulations.

(d) Members shall not obtain, receive, or use data acquired through an UAS unless the data is obtained (Utah Code 72-10-802):

1. Pursuant to a search warrant or valid warrant exception.
2. From a private citizen, subject to the conditions below.
3. To locate a lost or missing person in an area where no person would have a reasonable expectation of privacy.
4. In a manner that does not violate a reasonable expectation of privacy.

354.5.1 DATA COLLECTED BY PRIVATE CITIZEN

The West Valley City Police Department may not accept or review data captured by a privately-owned UAS unless one of the following conditions exists (Utah Code 72-10-802):

(a) The data appears to pertain to the commission of a crime.

(b) The receiving member believes, in good faith, that the data pertains to an imminent or ongoing emergency involving the danger of death or serious bodily injury to another person and that the disclosure of the data will permit the Department to assist in responding to the emergency.

354.5.2 REPORTING/DOCUMENTATION

1. When applicable, the deployment of any UAS should be documented in the National Fire Incident Reporting System (NFIRS) report consistent with the requirements of NFIRS or within the appropriate reporting system of the applicable department.
2. The following information must be documented in any related report or other record of the law enforcement encounter when the UAS is operated by a member of the West Valley City Police Department, or when the Department obtains or receives data pursuant to Utah Code 72-10-802 (Utah Code 72-10-804):
   (a) The presence and use of the UAS.
   (b) Any data acquired.
   (c) If applicable, the private citizen from whom the data was received.

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354.5.3 TEMPORARY FLIGHT RESTRICTION DUE TO WILDLAND FIRES
A Department UAS shall not be used in an area under a temporary flight restriction as a result of a wildland fire without the permission of, and in accordance with the restrictions established by, the official in command of the fire response (Utah Code 65A-3-2.5).

354.6 PROHIBITED USE
The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized (Utah Code 72-10-902).

354.7 OWNERSHIP AND USE OF DATA
The use of any photography or electronic imaging made by Department members while using a UAS shall comply with the requirements of West Valley City Fire Department policies regarding Photography and Electronic Imaging, and Patient Medical Record Security and Privacy.

354.8 COMPLIANCE

- The Utah Risk Management Agency, Small Unmanned Aircraft Systems Program Document shall be followed during any UAS flight.
- The Certification of Waiver or Authorization (COA) and all other applicable waivers issued to West Valley City shall be adhered to.
- 14 CFR Part 107-Small Unmanned Aircraft Systems shall be adhered to unless otherwise authorized in a current COA or by an FAA issues waiver.
- All applicable State laws shall be followed unless otherwise authorized in a current COA or FAA issued waiver.

354.9 DATA COLLECTED BY PRIVATE CITIZENS
West Valley City Police, Fire, or Emergency Management may not accept or review data captured by a privately-owned UAS unless one of the following conditions exists (Utah Code 72-10-802).

(a) The person delivering the UAS data informs the Department that the data appears to pertain to the commission of a crime.

(b) The receiving Department memberbelieves in good faith that the data pertains to an imminent or ongoing emergency that involves the danger of death or serious bodily injury to another person, and that the disclosure of the data will permit the Department to assist in responding to the emergency.

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354.10 RETENTION OF UAS DATA

1. The program coordinator shall ensure that data collected by the UAS is deleted as soon as reasonably possible, subject to applicable retention schedules under the Utah Government Records Access and Management Act (GRAMA) or a federal, state, or local law (Utah Code 72-10-802; Utah Code 72-10-803).
2. Data collected by the UAS shall be retained as provided in the established records retention schedule. These record retention schedules may vary based on the incident.

354.11 TRAINING

(a) A UAS training program shall be developed consisting of both didactic and skills-based training for Remote Pilots in Command (RPICs) and Supervised Operators. The training program shall be documented, and shall ensure that RPICs and Supervised Operators receive the necessary training to perform their roles and responsibilities safely and efficiently, and within the parameters of the National Airspace System (NAS).

(b) RPICs and Supervised Operators shall demonstrate the ability to maintain positive control in a safe manner of the UAS in all phases of flight and in all orientations of the aircraft to pilot.

(c) Visual Observers shall receive the necessary training to perform their role and responsibilities safely and efficiently as per 14 CFR Part 107.3.

(d) At a minimum, the training program shall cover the following areas of knowledge:

1. Applicable regulations relating to small, unmanned aircraft system rating privileges, limitations, and flight operation.
2. Airspace classification, operating requirements, and flight restrictions affecting small unmanned aircraft operation.
3. Aviation weather sources and effects of weather on small, unmanned aircraft performance.
4. Small, unmanned aircraft loading.
5. Emergency procedures.
6. Crew resource management.
7. Radio communication procedures.
8. Determining the performance of the small unmanned aircraft.
9. Physiological effects of drugs and alcohol.
10. Aeronautical decision-making and judgment.
11. Airport operations.
12. Maintenance and preflight inspection procedures.
13. Operation at night.
14. Risk management.

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15. Mission planning.
16. Mission briefing.
17. User maintenance and cleaning.
18. Ground control station operations.
19. Sensor operations.
20. See and avoid.
21. Flight maneuvers.

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U-Visas

355.1 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.

355.2 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 their designee.

355.3 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.

355.4 DEFINITIONS

Definitions for terms relating to U-Visas include:

Qualifying Crimes –

- Abduction
- Abusive Sexual Contact
- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- Felonious Assault

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- 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.

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355.5 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 their designee will fill out Part 2 of the Form I-918B.

The West Valley City Police Department Chief of Police or their 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 their 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.

355.6 RESOURCES

Prospective citizens 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).

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U-Visas

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 citizens wishing to make an appointment at the Field Office may only do so online at www.uscis.gov/about-us/contact-us.

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Medical Aid and Response

356.1 PURPOSE AND SCOPE

This policy recognizes that members of the Department often encounter persons in need of medical aid, and establishes a law enforcement response to such situations.

356.2 POLICY

It is the policy of the West Valley City Police Department that all officers and other designated Department members be trained to provide emergency medical aid and to facilitate an emergency medical response.

356.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

(a) Whenever practicable, members of the Department should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

(b) Prior to initiating medical aid, the member should contact Dispatch and request Emergency Medical Services (EMS) to respond as the member deems appropriate.

(c) Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

(d) When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

1. The location where EMS is needed.
2. The nature of the incident.
3. Any known scene hazards.
4. Information on the person in need of EMS, such as:
    (a) Signs and symptoms as observed by the member.
    (b) Changes in apparent condition.
    (c) Number of patients, sex, and age, if known.
    (d) Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
    (e) Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

(e) Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

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(f) Members should not direct EMS personnel on whether to transport the person for treatment.

356.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

356.5 PERSONS REFUSING EMS CARE

(a) If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

(b) In cases where mental illness may be a factor, the officer should consider proceeding with temporary custody pursuant to a civil commitment in accordance with the Response to Mentally Ill and Persons in Crisis Policy.

(c) If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

(d) If the person in custody still refuses medical treatment, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

(e) Members of the Department shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

356.6 SICK OR INJURED ARRESTEE

(a) If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

(b) If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

(c) Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

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(d) Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

356.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the policies regarding Use of Force, Handcuffing and Restraints, Control Devices and Techniques, Officer-Involved Critical Incidents, Canine (K-9) Program, Sexual Assault Investigations, and Conducted Energy Devices.

356.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

One Department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

356.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after the member has received appropriate training (Utah Code 53-2d-806).

356.9.1 AED USER RESPONSIBILITY

(a) Members of the Department who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the Training Unit sergeant who is responsible for ensuring appropriate maintenance.

(b) Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

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(c) Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

356.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

356.9.3 AED TRAINING AND MAINTENANCE

(a) The Training Unit sergeant should ensure appropriate training that includes training in CPR and AED use is provided to members authorized to use an AED (Utah Code 53-2d-806).

(b) The Training Unit sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

356.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members of the Department may administer opioid overdose medication in accordance with protocol specified by the health care provider who prescribed the overdose medication for use by the member. With approval of the on-duty supervisor, members may also provide the opioid overdose medication to a person who is experiencing an opiate-related drug overdose event or to a family member, friend, or other individual who is in a position to assist such individual (Utah Code 26B-4-509).

356.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

(a) Department members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store, and administer the medication consistent with their training. (Refer to the Naloxone Policy.)

(b) Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Unit sergeant.

(c) Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

356.10.2 OPIOID OVERDOSE MEDICATION REPORTING

(a) Any member administering opioid overdose medication should detail its use in an appropriate report. (Refer to the Naloxone Policy.)

(b) The Training Unit sergeant will ensure that the Records Section Director is provided enough information to meet applicable state reporting requirements.

356.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Unit sergeant should ensure training is provided to members authorized to administer opioid overdose medication. The training should include the written instructions provided by the dispensing health care provider on (Utah Code 26B-4-509):

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(a) How to recognize an opiate-related drug overdose event.

(b) How to administer an opiate antagonist.

(c) How to ensure that an individual to whom the medication has been administered receives additional medical care and a medical evaluation, as soon as possible.

(d) The safety, effectiveness, and risks of administering an expired opiate antagonist.

356.11 FIRST-AID TRAINING

The Training Unit sergeant should ensure officers receive periodic first-aid training appropriate for their position.

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Automated License Plate Readers (ALPRs)

357.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of the automated license plate reader (ALPR) technology (Utah Code 41-6a-2003).

357.2 POLICY

The policy of the West Valley City Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this Department. Because such data may contain confidential information, it is not open to public review.

357.3 ADMINISTRATION

The ALPR technology, also known as license plate recognition (LPR), allows for the automated detection of license plates. It is 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. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Special Operations Bureau Commander. The Special Operations Bureau Commander will assign personnel to administer the day-to-day operation of the ALPR equipment and data.

357.3.1 SPECIAL USE PERMITS

The Special Operations Bureau Commander or authorized designee shall obtain required special-use permits before installation of stationary ALPR equipment when applicable (Utah Code 41-6a-2003; Utah Code 72-1-212).

357.4 OPERATIONS

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 (Utah Code 41-6a-2003).

(b) Particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings, and other major incidents that qualify for use of an ALPR. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

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(c) No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.

(d) If practicable, the officer should verify an ALPR response through the appropriate law enforcement database before taking enforcement action that is based solely upon an ALPR alert.

(e) No ALPR operator may access confidential Department, state, or federal data unless otherwise authorized to do so.

357.4.1 LIMITATIONS ON USE

ALPR data shall only be used for the following official law enforcement business (Utah Code 41-6a-2003):

(a) As part of an active criminal investigation as defined by Utah Code 41-6a-2002.

(b) To apprehend an individual with an outstanding warrant.

(c) To locate a missing or endangered person.

(d) To locate a stolen vehicle.

An ALPR system may be used to access the Utah Criminal Justice Information System (UCJIS) to verify vehicle registration or insurance information, confirm vehicle identification, or identify a stolen vehicle (Utah Code 41-6a-2003).

357.5 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 (Utah Code 41-6a-2004).

The Special Operations Bureau Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with Department procedures.

The Special Operations Bureau Commander or authorized designee shall take steps to have all ALPR data that is not reasonably related to official law enforcement business purged in an unrecoverable manner as soon as practicable. In no event shall this data be maintained longer than nine months unless it is subject to a warrant, preservation request, or disclosure order (Utah Code 41-6a-2004). Data that will not be purged should be downloaded from the server onto portable media and booked into evidence.

357.5.1 NON-GOVERNMENTAL AGENCY ALPR

ALPR data captured by a non-governmental agency device may only be obtained pursuant to a warrant or a court order (Utah Code 41-6a-2005).

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357.6 ACCOUNTABILITY

All 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 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.

(b) Members 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 relates to a specific criminal investigation or Department-related civil or administrative action.

(c) The number of ALPR data searches conducted by Department members, as well as the crime type and incident numbers associated with each search, shall be recorded and preserved for at least 14 days (Utah Code 41-6a-2005).

(d) ALPR system audits should be conducted on a regular basis.

357.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes, or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting the data.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Special Operations Bureau Commander or authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release policy.

357.8 PUBLIC ACCESS

This policy and any special-use permits obtained for stationary ALPRs shall be published on the City website or on the Utah Public Notice website (Utah Code 41-6a-2003; Utah Code 72-1-212).

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Robbery / Alarm Response

358.1 PURPOSE AND SCOPE

This policy states the operating procedure to be used when responding to and investigating robbery in progress, robbery just occurred, and alarms.

358.2 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 whether the location is a business or residential, the suspect's description, weapon used, vehicle description, etc.

(b) Duties of assigned units:

1. All assigned units will respond as quickly as safely possible. Units will not respond with lights and sirens activated.
2. Take up assigned positions. If the assigned position is not accessible, the unit shall take another position and inform dispatch of the 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 or residence before attempting to apprehend them. This is to prevent the possibility of the suspects taking hostages and barricading themselves in the building or residence.
5. No officer shall enter the scene while the suspect(s) are present inside the building or residence, unless necessary for the protection of life.
6. The first officer arriving will be in charge and give directions to other responding units. The first arriving supervisor shall assume command and continue giving appropriate directions as needed.
7. Officers should keep in mind the protection of human life as the first priority, and secondarily, the apprehension of the suspect(s).
8. Units will do all they can to prevent a hostage situation.

358.3 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 whether the location is a business or residential, the suspect's description, weapon used, vehicle description, etc.
2. Assign three units to the call:

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(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 with sound judgment and due regard for life and property, while keeping a lookout for fleeing suspect(s) or vehicles.

2. The initial assigned unit will be responsible for the initial phase of the investigation:

(a) Take statements from victims 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 suspects, vehicles, etc. so that 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, badge number, 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 this post until relieved by the initial officer, field sergeant, detective, or Watch Commander.

(h) Complete a supplementary report of the officer's observations and actions, including the log of all persons entering/exiting the scene.

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4. The unit assigned to the perimeter investigation will:
    i. Investigate the path of flight of suspect(s).
    ii. If suspect(s) are located, detain and notify dispatch and the field sergeant.
    iii. Look for evidence left behind or discarded by the suspects.
    iv. Locate and interview all possible witnesses.
    v. 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 that are contacted.
    vi. Complete a supplemental report of the officer's observations and actions, and include the list of residential and business contacts and any statements obtained.
5. Field sergeants and watch commanders have an overall responsibility to see that the initial investigation is handled correctly and completely. They will:
    i. Handle initial press relations at the scene.
    ii. Notify detectives and administration if needed.
    iii. 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 or vehicles.

358.4 BUSINESS ROBBERY ALARMS

(a) Duties of dispatcher:
1. Assign two units.
2. Upon arrival of the units, dispatch will contact the business by telephone and ascertain if the alarm is valid or false.
    (a) Dispatch will request the identity of the person they are talking to.
    (b) The Dispatcher will identify themselves as a Valley Emergency Communications Center dispatcher for the West Valley City Police Department.
    (c) The dispatcher will ask:
        A. "Can you talk freely?"
        B. "Are you being robbed?"

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(d) If both questions are answered indicating that there is no robbery, the dispatcher will:

A. Tell the contact person that officers have arrived but will not enter.

B. Request the person to send someone out to meet the officer. The name and description of that person will be broadcast to the waiting officers.

C. Request the officers specify the direction that the exiting person is to go after exiting the building, and relay that information to the contact person.

D. Keep the contact person on the phone until the alarm is verified to be false.

(e) If the answers to the dispatcher's questions raise doubt, the dispatcher will ask the person on the phone to:

A. Look around carefully and say nothing.

B. Notice if anyone in the business appears to be nervous.

C. See if someone appears to be isolated.

D. Look for anything unusual.

E. Dispatch will inform the waiting officers of the answers.

(f) If the robbery is verified and the suspects have left, this information will be relayed to the field units.

(g) If the person contacted or the field units indicate a robbery is still in progress, officers will communicate and coordinate with the supervisor in charge.

(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 if the physical layout of the building requires additional coverage, or whenever a robbery is confirmed.

4. When both units are in position, the initial officer will:

i. Request the dispatcher to make the phone call into the business.

ii. After dispatch makes contact and the person informs the dispatcher the alarm is false, the dispatcher will relay this information to the officers.

iii. The dispatcher will relay the name and description of the exiting person to the officer.

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iv. The initial officer will relay instructions to the dispatcher for the exiting person to follow, regarding the direction and where to meet the officer.

v. 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.

vi. After confirming the false alarm, the officer shall exit the business and go to a position in view of the second officer, who will verify that to dispatch that the first officer has exited the business.

vii. At this point the dispatcher will broadcast that the alarm is confirmed false.

5. The field sergeant or watch commander will respond to all robbery alarms when possible.

6. 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.

358.5 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 alarms occurring at City-owned facilities, as West Valley 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.

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(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 dispatch 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 dispatch in order for the call to be properly processed and prioritized.

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Generative Artificial Intelligence Use

359.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for Department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications (Utah Code 53-25-902).

Additional guidelines for the use of Department information technology resources are found in the Information Technology Use Policy.

359.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user (Utah Code 53-25-901).

359.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance Department procedures, and improve the overall effectiveness of the West Valley City Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public sensitive information such as Department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output, as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly, in a way that minimizes potential risk and harm, and in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

359.3 RESPONSIBILITIES

359.3.1 APPROVAL OF GEN-AI SYSTEMS BY CHIEF OF POLICE

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and any authorized user groups prior to the use, implementation, or development of GenAI technologies for any Department functions.

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359.3.2 AI COORDINATOR

The Chief of Police or authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Administrative Services Bureau Commander or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

(a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief of Police or the authorized designee. The trustworthiness of GenAI systems shall be evaluated by balancing the following characteristics:

1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the Department's use of the system.
3. Security and resiliency - The system's capability to prevent unauthorized access and misuse, and its ability to return to normal function should misuse occur.
4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., requirements of state privacy laws, Criminal Justice Information Services (CJIS),Health Insurance Portability and Accountability Act (HIPAA)).
7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.

(b) Ensuring appropriate contractual safeguards are in place to manage third-party use of Department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) shall be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.

(c) Coordinating with others within the Department and City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.

(d) Maintaining a list or inventory of Department-approved GenAI systems and, when appropriate for Department transparency, making the list or inventory available to the public.

(e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

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(f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.

(g) Developing and updating training for the authorized users of each Department-approved GenAI system.

(h) Ensuring access to Department GenAI systems is limited to authorized users, and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.

(i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and determine if it continues to meet the Department's needs and expectations of trustworthiness. The coordinator shall arrange for audits to be conducted by an external source, as needed.

(j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.

(k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.

(l) Reviewing this policy and Department practices and proposing updates as needed to the Chief of Police.

(m) Developing procedures in coordination with the Records Section Director for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the Utah Government Records Access and Management Act.

359.4 USE OF GENERATIVE AI

The use of Department GenAI systems by Department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training (Utah Code 53-25-902).

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

(a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.

(b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).

359.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk

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the safety of any individual if it were to become publicly accessible, shall not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members shall instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information shall only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

359.4.2 DISCLAIMER AND CERTIFICATION

Any final document or work product created by a member using GenAI shall include a disclaimer that it contains content generated by artificial intelligence and a certification that it has been read and reviewed by the author for accuracy (Utah Code 53-25-902).

359.5 PROHIBITED USE

Members of the Department shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or authorized designee for the intended use.

359.6 TRAINING

The AI coordinator shall ensure that all members authorized to use GenAI systems have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI, and that such personnel receive periodic refresher training. Training shall include but is not limited to the following:

(a) A review of this policy.

(b) The need for human oversight of GenAI outputs.

(c) The interpretation, review, and verification of GenAI output.

(d) Checking GenAI output for bias or protected information.

(e) Ethical use of GenAI technology.

(f) Data security and privacy concerns.

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Homeless Services Advocates - Client Intake Policy and Procedure

360.1 PURPOSE

The purpose of this policy is to establish clear and consistent guidelines for Homeless Service Advocates' (HSA) intake practices. This policy ensures that all clients receive equitable, respectful, and confidential service while providing a structured process for gathering necessary information to serve their needs effectively.

360.2 SCOPE

This policy applies to all staff who are involved in the intake process with HSA. It outlines the procedures for collecting and managing client information, evaluating needs, and determining appropriate services.

360.3 DEFINITIONS

Client - Any individual or organization seeking services or assistance from HSA.

Intake Process - The systematic procedure for collecting information from new clients to assess their needs, provide relevant services, and maintain appropriate records.

Confidentiality - The responsibility to protect the privacy of client information, in compliance with relevant privacy laws and the organization's confidentiality policy.

Staff - Licensed Clinical Social Worker (LCSW) and professional staff (non-sworn) case managers.

Utah HMIS (Utah Homeless Management Information System) - Database selected by the State of Utah, Department of Workforce Services, Continuum of Care leadership for information reporting requirements.

360.4 POLICY

(a) HSA will not discriminate, exclude, or deny services based on race, ethnicity, religion, national origin, gender, sexual orientation, disability, age, family composition, pregnancy, or marital status.

(b) HSA will provide all clientele with the opportunity to participate in programs and receive available services. Federal or state programs may have specific guidelines that will exclude some individuals from qualifying (e.g., programs for families, veterans, or chronically homeless).

(c) HSA are committed to supporting clients in achieving housing stability through a trauma-informed, client-centered approach.

360.5 INTAKE PROCESS

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360.5.1 INITIAL CONTACT

Clients may contact Homeless Services Advocates by phone, email, or in person, either through walk-ins or during outreach events in the community.

360.5.2 SCHEDULING AN INTAKE APPOINTMENT

If the client is seeking services that require further documentation or information, the Homeless Services Advocate will schedule a follow-up appointment.

If immediate assistance is needed, the intake process will begin without delay with a live enrollment into Utah HMIS. When a live enrollment is completed, efforts will be made to schedule a follow-up appointment to collect any outstanding physical documentation.

360.5.3 CLIENT ENROLLMENT INTO UTAH HMIS

Clients will be asked to provide personal information, including:

- Name, address, and contact information.
- Demographic information (e.g., age, gender, etc.).
- Housing History.
- Reason for seeking services.

Clients will be informed about their rights and how their information will be used.

Consent for data collection and communication will be obtained, ensuring that clients understand their privacy rights.

360.5.4 NEEDS ASSESSMENT

A detailed needs assessment will be conducted to determine the client's eligibility for services and identify the most appropriate resources.

Key questions will focus on the client's specific needs, including financial, medical, housing, and legal/criminal history. (Clients will not be ineligible based on these answers alone; the purpose of these questions is to develop a case plan for housing stability.)

HSA will provide domestic violence/trafficking screening when applicable.

HSA will help in completing any forms or answering questions as needed.

360.5.5 ELIGIBILITY DETERMINATION

(a) The intake coordinator will review the client's eligibility based on predefined criteria such as income level, residence, and specific service requirements.

(b) If eligible, the client will be connected to the appropriate services.

(c) If not eligible, the client will be provided with referrals to other organizations or resources.

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360.5.6 REFERRAL AND SERVICE PLANNING

If the client is eligible for services, the Homeless Services Advocate will assist with the next steps, including scheduling appointments or referrals to relevant programs. If necessary, a personalized service plan will be developed to address the client's needs.

360.5.7 DOCUMENTATION AND RECORD KEEPING

(a) All client information, including intake forms, assessment results, vital documents (ID, Award letters, etc.), and referrals, will be documented in Utah HMIS.

(b) Records will be maintained in accordance with the organization's confidentiality policy and applicable legal requirements.

(c) Physical records will be filed in a locked filing cabinet.

360.6 CONFIDENTIALITY AND PRIVACY

Client information will be handled with the utmost confidentiality.

(a) All staff involved in the intake process will be required to sign a confidentiality agreement.

(b) Client data will be stored securely, both digitally and physically, and will only be shared with authorized personnel or third parties in accordance with privacy laws and regulations.

(c) Clients may request information for themselves and their legal dependents and change it if incorrect.

360.7 STAFF TRAINING AND ACCOUNTABILITY

All staff involved in the intake process will undergo ongoing training in the following key areas:

- Client confidentiality and data privacy protocols.
- HSA intake procedures and service delivery standards.
- Cultural competency and non-discriminatory practices.
- Safety protocols and procedures.

Staff will conduct periodic reviews of the intake procedures to ensure compliance with organizational standards and legal requirements, as well as to assess the effectiveness of the intake process in meeting clients' needs.

360.8 CLIENT RIGHTS AND RESPONSIBILITIES

360.8.1 CLIENT RIGHTS

(a) Clients have the right to be treated with respect, dignity, and fairness.

(b) Clients have the right to confidentiality and to be informed of their rights regarding their information.

(c) Clients have the right to refuse services at any time.

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360.8.2 CLIENT RESPONSIBILITIES

(a) Clients are responsible for providing accurate and truthful information during the intake process.

(b) Clients should notify HSA of any changes to their contact or personal information.

360.9 PROCEDURE FOR CLIENT CONCERNS OR COMPLAINTS

If a client has a concern or complaint regarding the intake process or services received, the client may submit a formal complaint to any staff member or any supervisor in the Community Services Section. Any complaint will be handled in accordance with the Personnel Complaints policy.

360.10 POLICY REVIEW AND REVISION

This policy will be reviewed annually, and updates will be made as necessary to ensure effectiveness and compliance with applicable regulations.

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Risk Management / Accident Review Committee (ARC)

361.1 ACCIDENT REVIEW COMMITTEE

(a) The Accident Review Committee (ARC) is an interdepartmental group that convenes as needed or instructed by Command Staff to review all incidents involving damage to West Valley City Police Department vehicles. The purpose of the ARC is to determine:

1. The root cause of the accident.
2. Whether the accident was preventable.
3. How similar accidents can be avoided in the future.

(b) The ARC is composed of the following personnel:

1. The Professional Standards Section Commander, or designee. (Manages the Committee. Not a voting member.)
2. The Training Unit Commander, or designee.
3. The Special Operations Bureau Commander, or designee.
4. One Patrol Bureau Watch Commander, as designated annually by the Patrol Bureau Deputy Chief.
5. One Detective from the Traffic Unit, as designated annually by the Special Operations Bureau Deputy Chief.
6. One Officer from the Training Unit, as designated annually by the Administrative Services Bureau Deputy Chief.
7. The West Valley City Risk Manager, or designee. (Not a voting member.)

(c) The committee will elect a chairperson annually during the first meeting of the year, who is someone other than the Professional Standards Section Commander.

(d) Bureau Deputy Chiefs may designate non-voting alternates and other members of the Department who also attend the meetings. The Incident Commander for any incident under review may attend the ARC meeting.

(e) If a committee member was directly involved in a matter before the committee, that member will recuse him or herself and an alternate may be used.

361.2 SCOPE OF REVIEW BY ACCIDENT REVIEW COMMITTEE (ARC)

The Accident Review Committee (ARC) will review reports, recordings, and relevant evidence to evaluate each incident and determine the category of the accident as defined below. To determine the accident category, the ARC will consider the following factors:

(a) Whether the employee:

1. Complied with relevant laws.
2. Complied with City and Department policy at the time of the accident.

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3. Complied with Department-provided training and standard operating procedures and tactics.

(b) Other factors the ARC may consider include speed, vehicle damage, property damage, findings of the investigation(s), and the employee's accident history.

(c) Accident categories:

1. Category A: An accident where the actions of the employee were consistent with Department training, policy, tactics, and the expected judgment of a reasonable employee under the circumstances.

2. Category B: An accident where the actions of the employee were inconsistent with Department training, policy, tactics, or reflect poor judgment under the circumstances.

3. Category C: An accident where the actions of the employee are determined to by unreasonable and egregious given the circumstances reviewed.

(d) If the ARC determines that the involved employee(s) showed gross disregard of safety or the committee determines that the accident is a Category C accident, the Professional Standards Section Commander will commence an Administrative Investigation.

(e) If the ARC determines that the involved employee(s) and/or supervisors failed to comply with provided training, or standard operating procedures or tactics, the Professional Standards Section Commander will incorporate the relevant details of the finding into future Department training information and bulletins.

(f) The ARC chairperson will enter the details of the ARC's review into the Department's traffic accident records management software program and attach an IDC that includes the category that the committee decided on for the accident. This review will include aggravating and mitigating circumstances that the committee considered to draw their conclusion. The chair of the ARC will mark the policy compliance findings in the Department's traffic accident records management software program for each involved employee, and forward each review to the involved employee's Deputy Chief for adjudication, if applicable, or to the employee's immediate supervisor to be completed and forwarded up the chain of command.

361.3 RECOMMENDED DISCIPLINE

(a) For a Category A violation:

1. The ARC has the option of assigning the officer a device, to be installed in their vehicle, that has been set up to capture driving behavior that is contrary to what is expected. The ARC will decide the duration of that assessment.

2. At the end of the assessment period, if assigned, a member of Professional Standards will review the data with the employee.

3. Three or more Category A accidents within three years will be handled as Category B accidents.

(b) For a Category B violation:

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1. Along with any imposed discipline, the officer will be assigned a device, to be installed in their vehicle, that has been set up to capture driving behavior that is contrary to what is expected. The ARC will decide the duration of that assessment.
2. At the end of the assessment period, a member of Professional Standards will review the data with the employee.
3. Three or more Category B accidents within three years will be handled as Category C accidents.

(c) For a Category C violation:

1. The accident will be referred to the Professional Standards Section Commander to commence an administrative investigation.
2. The employee will be assigned a device, to be installed in their vehicle, that has been set up to capture driving behavior that is contrary to what is expected. The ARC will decide the duration of that assessment.
3. At the end of the assessment period, a member of Professional Standards will review the data with the employee.
4. Subsequent Category C accidents will be handled with progressive discipline.

(d) Discipline for all at-fault traffic accidents will be handled according to the Disciplinary Matrix and this policy. The second at-fault accident, in any category, within a three-year period will result in a one-week suspension of the employee's take-home vehicle privilege. The length of that suspension will double with each successive crash during a rolling three-year period.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Bureau 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 City, 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 patrol will sign up for their shift and days off via a bid process. The Deputy Chief of the Patrol Operations 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) Crime prevention activities such as residential inspections, business inspections, community presentations.

(c) Calls for service, both routine and emergency in nature.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol Bureau and other bureaus within the Department, as well as other outside governmental agencies.

(h) 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.

(i) 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. The supervisor should ensure that all terrorism related reports are forwarded to the Intelligence Unit Supervisor in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various bureaus 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 submitted to the Intelligence Unit for distribution to all bureaus within the Department through daily and special bulletins.

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 bureau 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.

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Unlawful or Improper Bias in Public Safety

401.1 PURPOSE AND SCOPE

This policy provides guidance to Department members that affirms the West Valley City Police Department's commitment to policing that is fair and objective (Utah Code 10-3-913; Utah Code 17-72-301; Utah Code 53-1-108).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Improper Bias in Public Safety - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The West Valley City Police Department is committed to providing law enforcement services to the community with due regard for the cultural or other differences of those served. It is the policy of this Department to provide law enforcement services and to enforce the law equally, fairly, objectively, and without unlawful or improper bias toward any individual or group.

401.3 IMPROPER BIAS IN POLICING PROHIBITED

Unlawful or improper bias in policing is strictly prohibited (Utah Code 53-6-210.5).

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this Department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of unlawful or improper bias in policing to a supervisor. Members of the Department should, when reasonable to do so, intervene to prevent any unlawful or improper biased actions by another member (Utah Code 53-6-210.5).

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints policy.

(a) Supervisors should discuss any issues with the involved officer and the officer's supervisor in a timely manner.

    (a) Supervisors should document these discussions in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

    (a) Supervisors should document these periodic reviews.

    (b) Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy (Utah Code 53-6-211).

(d) Supervisors shall take prompt and reasonable steps to address any retaliatory action taken against any member of this Department who discloses information concerning unlawful or improper bias in policing (Utah Code 53-6-210.5).

401.6 ADMINISTRATION

The Administrative Services Bureau shall review the Department's efforts to provide fair and objective policing, and shall submit an annual administrative review that includes activities with a potential for improper or unlawful bias, including traffic and field contacts, asset forfeiture efforts, complaints, and any corrective measures taken. The review shall indicate whether any policy, training, equipment, or disciplinary issues should be addressed. The annual administrative review should not contain any identifying information about any specific complaint, member of the public, or officer.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

(a) Training on fair and objective policing, and a review of this policy shall be conducted annually for all affected personnel, to include:

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1. Explicit and implicit biases.
2. Avoiding improper profiling.

(b) Initial training on unlawful or improper bias in policing shall be provided to all affected personnel as part of the In-House Academy, or new employee orientation, prior to assignment.

(c) Any sustained incidents of improper bias in policing shall be addressed with remedial training as appropriate, in addition to disciplinary action.

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Briefing

402.1 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.

402.2 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 their absence or for training purposes.

The Training Unit is responsible for preparing Daily Training Bulletins (DTBs) and distributing them to all sworn personnel.

402.3 BRIEFING

All bureaus and specialized units will conduct regular briefing to discuss, disseminate, and exchange information among Department members, work groups, and other organizations. A supervisor generally will conduct briefing. However, the supervisor may delegate this responsibility to a subordinate member in the supervisor's absence or for training purposes.

Briefing should include but is not limited to:

(a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
    1. Wanted persons.
    2. Crime patterns.
    3. Suspect descriptions.
    4. Intelligence reports and photographs.
    5. Community issues affecting law enforcement.
    6. Major investigations.
(b) Notifying members of changes in schedules and assignments.
(c) Reviewing recent incidents for situational awareness and training purposes.
(d) Providing training on a variety of subjects.
(e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about [departmentalDirective]s and any recent policy changes.

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402.4 TRAINING

Briefing training should incorporate short segments on a variety of subjects or topics and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Review of recent incidents for training purposes.

402.5 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Unit sergeant for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the West Valley City Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 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) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

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

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn member of the West Valley City Police Department may assist in enforcement of orders of restriction issued by the Department of Health and Human Services or local health authority for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Utah Code 26B-7-304; Utah Code 26B-7-306).

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Ride-Along Program

404.1 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.

404.1.1 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

404.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 08:00 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, Bureau Commander or Watch Commander.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Administrative Sergeant or their designee. 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 Administrative Sergeant, or their designee, 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.

404.2.1 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. Current police officer applicants may participate in two ride-along shifts during the hiring process.

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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.

404.2.2 SUITABLE ATTIRE
Any person approved to ride-along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, tee 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.

404.2.3 PEACE OFFICER RIDE-ALONGS
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 Watch Commander. 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.

404.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a state records check through the Bureau of Criminal Investigation (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.

404.2.5 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 Watch Commander. 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 Records Section. This category of ride along may ride once every quarter.

404.3 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, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police vehicle respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Administrative Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the Ride-Along Waiver Form shall be returned to the Administrative Sergeant with any comments which may be offered by the officer.

404.4 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:

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(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.

404.5 WATCH COMMANDER'S RESPONSIBILITY

Watch Commanders shall insure that all the required elements of the ride along program are met and adhered to.

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Hazardous Material Response

405.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to Department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which by its nature, containment, and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

405.2 POLICY

It is the policy of the West Valley City Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

405.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The Fire Department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

405.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potentially hazardous material from a safe distance.

(b) Notify Dispatch, appropriate supervisors, the appropriate fire department and hazardous response units.

(c) Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(d) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.

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(e) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(f) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.
2. Driver's statements or shipping documents from the person transporting the material.
3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    i. The type of material.
    ii. How to secure and contain the material.
    iii. Any other information to protect the safety of those present, the community and the environment.

(g) Provide first aid to injured parties if it can be done safely and without contamination.

(h) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.

(i) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

(j) Establish a decontamination area when needed.

(k) Activate automated community notification systems, if applicable.

(l) Notify the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control.

405.5 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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 as applicable.

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405.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, PPE is available from supervisors. PPE not maintained by this Department may be available through the appropriate fire department or emergency response team.

405.6 TRAINING

At least every three years, personnel whose assignment may bring them into contact with hazardous materials in the field shall receive training on hazmat awareness and basic procedures to protect themselves and others from exposure.

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Hostage and Barricade Incidents

406.1 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.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

406.2 POLICY

It is the policy of the West Valley City Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

406.4 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:

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(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 of Department policy 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.

406.4.1 SUPERVISOR RESPONSIBILITIES

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.

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The PIO will cooperate with the media to the extent that the operation will not be jeopardized and reasonable safety will be observed.

(e) Consulting with CRT Commander and/or appropriate Deputy Chief to decide if a tactical withdrawal is warranted. In general, if the barricaded subject is only a threat to themselves, and there is no reason to believe that their actions pose a threat to anyone else, then a tactical withdrawal should be considered in lieu of generating a potential deadly force situation.

406.4.2 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as the Section Lieutenant.

(j) Establish a command post.

406.4.3 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that

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officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Crisis Team Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support, Crisis Response Team).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as the Section Lieutenant.

(m) Establish a command post.

406.5 CRISIS RESPONSE TEAM RESPONSIBILITIES

It will be the Incident Commander’s decision, with input from the Crisis Response Team (CRT) Commander and the Special Operations Deputy Chief, whether to deploy the CRT during a hostage or barricade situation. Once deployment is authorized, the CRT Commander or the authorized designee 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 evacuation, media access and support for the CRT. The Incident Commander and the CRT Commander or the authorized designee shall maintain communications at all times.

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406.6 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.

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Response to Bomb Calls

407.1 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.

407.2 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.

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407.3 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.

407.3.1 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.

407.3.2 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.

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407.3.3 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.

407.4 RECEIPT OF BOMB THREAT

This procedure should be followed should a bomb threat call be received at the police facility or by a member of the Department.

407.4.1 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.

407.4.2 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.

407.5 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

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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.

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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.

407.6 BOMB DETECTION K-9S

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.

407.7 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.

407.8 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

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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.

407.9 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.

407.10 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.

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Citation Releases

408.1 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.

408.2 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** means that the violator is released in the field without being transported to a jail facility.

(b) A **jail release** means that a violator is released after being transported to the jail and booked.

408.2.1 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.

408.3 DEPARTMENT PROCEDURE

The following procedures will be followed to comply with Utah Code 77-7-18.

408.3.1 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 criteria described in the section below, entitled "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).

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408.3.2 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 that agency's rules, regulations and procedures.

408.3.3 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.

(c) There are one or more outstanding sex crime or violent offense 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.

408.3.4 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 the officer 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.

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408.4 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.

408.5 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 Municipal Code.

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.

408.6 REQUESTING CASE NUMBERS

Cases involving a criminal citation release shall include a case number. Traffic infractions and City or County 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 the officer feels that the situation should be documented more thoroughly in a case report.

408.7 RELEASE

A suspected offender may be released on issuance of a citation as follows:

(a) When the person is arrested for a misdemeanor or infraction charge (Utah Code 77-7-18).

(b) When a warrant has been issued by a magistrate who has included in the order that the person be released on a summons (U. R. Crim. P. Rule 6).

408.8 PROHIBITIONS

The release of a suspected offender on a citation is not permitted if prohibited by local court rule.

See the Domestic Violence Policy for release restrictions related to those investigations.

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408.9 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual's ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

408.10 STATE PRIVILEGES

408.10.1 LEGISLATIVE PRIVILEGE

Members of the Legislature shall not be subject to civil 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).

408.10.2 VOTER PRIVILEGE

A person who attends an election or who is traveling to and from a voting location shall not be subject to civil arrest on an election day, except for an act of treason, a felony, or a breach of the peace (Utah Constitution Article IV § 3).

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Immunity from Arrest

409.1 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.

409.2 STATE LEGISLATORS

Fifteen days prior 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).

409.3 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.

409.4 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 retuning there from (Utah Constitution, Article IV, 3).

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Arrest or Detention of Foreign Nationals

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the West Valley City Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The West Valley City Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member of the Department comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the Department member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

410.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representatives may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests, and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

(a) Diplomatic-level staff of missions to international organizations and recognized family members.

(b) Diplomatic agents and recognized family members.

(c) Members of administrative and technical staff of a diplomatic mission and recognized family members.

(d) Career consular officers, unless the person is the subject of a felony warrant.

(e) The following persons may generally be detained and arrested:

(a) International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.

(b) Support staff of missions to international organizations.

(c) Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.

(d) Honorary consular officers.

410.5 DOCUMENTATION

All contacts with persons claiming privileges and immunities afforded to foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to the U.S. Department of State (DOS).

410.5.1 DOCUMENTATION PROCEDURES

An officer who stops a person holding a driver's license issued by the DOS, or otherwise claiming privileges or immunities, for a moving traffic violation, or any of the following offenses while operating a vehicle, shall document all of the relevant information from the driver's license or identification card (Utah Code 41-6a-1901):

(a) Automobile homicide.

(b) Manslaughter.

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(c) Negligent homicide.

(d) Aggravated assault.

(e) Reckless endangerment.

The Records Section shall forward such information with a copy of the traffic citation, vehicle accident report, or written report of the incident, as applicable, to the Utah Department of Public Safety (DPS) within five working days (Utah Code 41-6a-1901).

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or	Enter	Issued	Subpoenaed	Prosecuted	Recognized
Diplomatic	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability
Member of	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability

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Consulate	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability
Support	Yes	Yes	Yes	Yes	No for official act Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

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

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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VIP Security Plan

411.1 PURPOSE AND SCOPE

To provide guidance for planning and coordinating the protection of VIPs.

411.2 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.

411.2.1 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.

411.3 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.

411.3.1 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

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(g) Clear identification methods of agency and inter-agency personnel

(h) Scheduling a briefing for assigned personnel

411.4 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.

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Bicycle Patrol Unit

412.1 PURPOSE AND SCOPE

The West Valley City Police Departmentuses 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.

412.2 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 officers 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.

412.3 TRAINING

Participants in the program must successfully complete the Utah POST 32-hour basic training course or a Department-approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers 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

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

412.4 UNIFORMS AND EQUIPMENT

Officers shall wear the Department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes Department-approved helmet, riding gloves, protective eyewear 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. In colder weather a jacket may be worn; turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

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Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

412.5 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 shall 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 shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

(e) Each bicycle shall 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 program supervisor for repair by an approved technician.

(h) Each bicycle will have scheduled maintenance twice yearly 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.

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412.6 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.

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the West Valley City Police Department relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the West Valley City Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this Department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

In keeping with this commitment, race, color, or national origin will not be considered under this policy except to the extent permitted by the constitutions of the United States and Utah (Utah Code 76-14-202).

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members of the Department shall treat all individuals equally and not in any way that would violate the United States or Utah constitutions.

413.4 DETENTIONS

(a) An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

(b) An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

(c) If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

(d) An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer

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safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

(e) An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

413.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

413.4.2 INVESTIGATING HUMAN TRAFFICKING OR SMUGGLING

When an officer conducts a lawful traffic stop and reasonably suspects that any person in the vehicle is violating Utah human trafficking or human smuggling laws, the officer shall investigate the suspected violations and inquire into the immigration status of the occupants of the vehicle. An officer may not delay or postpone addressing the original purpose of the stop merely to confirm a person's immigration status (Utah Code 76-14-202).

413.4.3 VERIFICATION OF IMMIGRATION STATUS

A person's citizenship or immigration status shall be verified whenever the person is lawfully arrested for a felony or misdemeanor offense and is unable to provide an identifying document as listed in Utah Code 76-14-203 and the officer is otherwise unable to verify the identity of the person. Verification of immigration status should take place at the time of the booking and not in the field (Utah Code 76-14-202).

413.5 ARREST NOTIFICATION TO FEDERAL IMMIGRATION OFFICIALS

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this Department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

413.7 INFORMATION SHARING

No member of this Department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

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(a) Sending information to, or requesting or receiving such information from federal immigration officials.

(b) Maintaining such information in Department records.

(c) Exchanging such information with any other federal, state, or local government entity.

413.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

413.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Section supervisor assigned to oversee the handling of any related case. The Investigations Section supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

  (a) The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

413.8.1 U NONIMMIGRANT STATUS GUIDELINES

U nonimmigrant status requests shall be processed and maintained in a manner consistent with Utah Code 77-38-503 and federal guidelines.

The Special Operations Bureau Commander should ensure certification requests conducted by this agency are processed within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification should be processed within 14 days of request (Utah Code 77-38-503).

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413.8.2 REPORTING REQUIREMENTS

Before June 30 of each year, the Chief of Police shall submit a report of the following information to the Commission on Criminal and Juvenile Justice (Utah Code 77-38-503):

(a) The number of victims that requested U nonimmigrant certifications from the agency.

(b) The number of U nonimmigrant certifications that were signed.

(c) The number of U nonimmigrant certifications that were denied.

413.9 TRAINING

The Training Unit sergeant should ensure that officers receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Emergency Utility Service

414.1 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.

414.1.1 BROKEN WATER LINES

The City'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 City side of the meter, emergency personnel should be called as soon as practical by Dispatch.

414.1.2 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 electric company or public works should be promptly notified, as appropriate.

414.1.3 RESERVOIRS, PUMPS, WELLS

Public works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

414.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Dispatch.

414.2 TRAFFIC SIGNAL MAINTENANCE

The City of West Valley City contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of Utah.

414.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Field Training Officer (FTO) Program

415.1 PURPOSE AND SCOPE

The Field Training Program is intended to provide a standardized program to facilitate the officer's transition from the 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 program of field training that is designed to prepare the new officer to perform in a patrol assignment, and to possess all the skills needed to operate in a safe, productive and professional manner.

415.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

415.2.1 SELECTION PROCESS

Field Training Officers (FTOs) will be selected based on the following requirements:

(a) Professional competence.

(b) Teaching abilities and a desire to train others.

(c) Demonstrated ability as a positive role model.

(d) Professional ethics.

(e) Positive organizational citizenship.

(f) Productive work ethic.

(g) Evaluation by supervisors.

415.2.2 TRAINING

An officer selected as a Field Training Officer (FTO) shall successfully complete a course of training outlined by the Training Unit, to include the in-house FTO Training Program and a nationally recognized FTO School when feasible. Annual training will be conducted by the Training Unit Sergeant and Field Training Coordinator.

415.3 FIELD TRAINING OFFICER PROGRAM COORDINATOR

The Field Training Officer (FTO) Program Coordinator will be selected by the Professional Standards & Training 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) Assign Officers in Training (OITs) to FTOs.

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(c) Monitor each OIT's progress by reviewing Daily Observation Reports (DORs) and Supervisor's Weekly Reviews (SWRs).

1. Counsel OITs when serious or repetitive deficiencies are noted.
2. Forward recommendations and reports on OIT progress, retention, and termination to the Training Unit Sergeant.
3. Track, receive and maintain the SWRs.

(d) Monitor the performance of FTOs, as trainers, through evaluations prepared by OITs with input from each FTO's supervisor.

1. Counsel FTOs relative to training matters and teaching techniques.
2. Forward recommendations to the Training Unit Sergeant relative to FTO performance and retention.

(e) Continuously evaluate the FTO program to ensure compliance with the expectations and standards set by the Department.

(f) Maintain records of FTO performance and evaluation.

(g) Coordinate training for all FTOs and OITs, to include:

1. Develop and schedule periodic training for FTOs, including initial training of new FTOs.

(h) Maintain and update FTO program management software.

415.4 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, or a rehired employee that has returned to employment with the Department after an absence of more than six months.

415.5 REQUIRED TRAINING

(a) Entry level officers shall be required to successfully complete the Field Training Program.

(b) The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience. The trainee will be evaluated by the Field Training Officers and the Training Unit.

(c) To the extent practical, entry level and lateral officersmay be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

(d) A rehired employee is generally required to participate in the Field Training Program for a two week period; however, this requirement may be waived or extended depending on the trainee's demonstrated performance and level of experience.

1. At a minimum, a rehired employee shall understand any changes to policy or to any procedures that have occurred during their absence from the Department.

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2. Rehired employees will be assigned to duty by their Bureau Chief with any training needs addressed under the direction of their immediate supervisors.

415.5.1 PROGRAM MANAGEMENT SOFTWARE

At the beginning of the FTO Program, each OIT will be issued login credentials for program management software that outlines the subject matter and/or skills necessary to properly function as an officer with the West Valley City Police Department.

(a) The OIT shall become knowledgeable of the subject matter as outlined.

(b) An OIT shall also become proficient at those skills set forth in the program management software.

415.5.2 REMEDIAL TRAINING

(a) OITs who fail to demonstrate proficiency in the subject matter or skills outlined in the program management software shall be provided remedial training.

1. 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.
2. The FTO will then notify the FTO Program Coordinator and his/her immediate supervisor of the deficiency.
3. 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.
4. If the FTO Program Coordinator determines that sufficient remedial training has been provided, yet the OIT remains unsuccessful, the FTO Program Coordinator will forward this information up the chain of command for direction regarding whether or not the OIT should remain in the Field Training Program.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 FIELD TRAINING OFFICER RESPONSIBILITIES

The FTO will be responsible for the following:

(a) Daily completion of the Daily Observation Report (DOR) on the performance of his/her assigned Officer in Training (OIT), forwarded to the FTO Program Coordinator.

(b) Review of the DOR with the OIT each day.

(c) Sign off on 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

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assigned OIT timecards as well as compliance at mandatory Department training courses.

(f) An FTO will wear 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.

415.6.2 OFFICER IN TRAINING (OIT)

The OIT shall submit a confidential performance evaluation on each of their FTOs to the FTO Program Coordinator.

415.7 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.

415.7.1 SUPERVISOR RESPONSIBILITIES

(a) The shift Sergeant will conduct weekly progress interviews with the FTOs and OITs they supervise.

1. During the progress interview, the shift Sergeant will ensure DORs and Field Training Checklist items are completed in accordance with phase timelines.

2. Deficiencies should be addressed with the FTO, 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

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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.

1. 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.
2. The Watch Commander will draft an IDC documenting the topics covered in the meeting and forward it 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.

1. The FTO Coordinator will review the OIT's program management software documentation and make a recommendation of advancement to the Training Unit Sergeant.
2. The Training Unit Sergeant will approve the movement of OITs from phase to phase.

(f) The Training Unit Sergeant will notify the Professional Standards & Training Section Lieutenant of any significant or repetitive OIT deficiencies.

1. The Professional Standards & Training Section Lieutenant will notify the Administrative Services Bureau Deputy Chief of deficiencies that result in phase regression or potential failure to successfully complete the program.

(g) The Professional Standards & Training Section Lieutenant will work in partnership with the FTO Coordinator and Training Unit Sergeant to ensure finalization is appropriate.

1. If affirmed, the Professional Standards & Training Section Lieutenant will notify the Patrol Operations Bureau Deputy Chief of OIT finalization.
2. The Patrol Operations Bureau Deputy Chief will assign the OIT to a full duty assignment.
3. If not affirmed, the Professional Standards & Training Section Lieutenant will make notification to the Administrative Services 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, and forward it to the Professional Standards & Training Section Lieutenant.

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Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the West Valley City Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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416.5 NOTIFICATIONS

When an aircraft accident is reported to this Department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made 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. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

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(d) Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION

All aircraft accidents occurring within the City of West Valley City shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of WVCPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Obtaining Air Support

417.1 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.

417.2 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.

417.2.1 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.

417.2.2 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.

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Contacts and Temporary Detentions

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - 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)/Street Check - 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 - Posed photographs taken of a person during a contact, temporary 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, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous 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 - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

418.2 POLICY

The West Valley City Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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418.3 FIELD INTERVIEWS

Based on observation of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person and conduct an FI when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion (Utah Code 77-7-15).

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the West Valley City Police Department to strengthen community involvement, community awareness, and problem identification.

418.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

418.4 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the context and circumstantial factors listed below.

418.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

418.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. 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

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conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

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 submitted to a supervisor and retained in compliance with this policy.

418.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Intelligence Unit with either an associated FI card or CAD call number. 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.

418.4.4 SUPERVISOR RESPONSIBILITIES

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 is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

418.4.5 NOTICE REQUIREMENT FOR PHOTOS

Prior to taking a photograph, the officer shall notify the individual that their image may be used in conjunction with facial recognition technology, if applicable (Utah Code 77-23e-105). See the Facial Recognition Technology Use Policy for additional guidance.

418.5 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.

418.5.1 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.

(a) 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.

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(b) 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.

(c) 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.

1. 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.
2. 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.
3. 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.
4. 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.

(d) 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.

418.6 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer’s training and experience, an officer may pat a suspect’s outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk (Utah Code 77-7-16). The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

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(a) The type of crime suspected, particularly in crimes of violence where the use or threat of 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 area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

418.7 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable 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 investigator to utilize available members 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 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. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Criminal Organizations

419.1 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.

419.1.1 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.

419.2 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.

419.3 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.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI (field interview), 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

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supervisor should ensure copies of those documents are retained by the Records Section. 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 system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Section Director may not purge such documents without the approval of the designated supervisor.

419.4 TEMPORARY INFORMATION FILE

No member of the Department may create or keep files on individuals that are separate from the approved criminal intelligence system (CIS). However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the Department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

419.4.1 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 Evidence Unit, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Dispatch 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.

419.4.2 FILE REVIEW AND PURGING

The contents of the criminal intelligence system shall be maintained, reviewed and purged following the 28 CFR 23 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.

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419.5 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.

(e) information related to terrorism or terroristic threats.

Department supervisors who utilize an authorized criminal intelligence system should work with the Intelligence Unit supervisor to train employees identify information that may be particularly relevant for inclusion.

419.6 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 Records Maintenance and Release Policy.

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.

419.7 CRIMINAL STREET GANGS

The Investigations Section 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, as described in Utah Code 76-9-802 et seq. and Utah Code 53-25-601 et seq.

(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 (Utah Code 53-25-602).

419.8 TRAINING

The Training Unit sergeant 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:

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(a) The protection of civil liberties.

(b) Participation in a multi-agency criminal intelligence system.

(c) Submission of information into a multi-agency 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.

419.9 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.

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Watch Commanders

420.1 PURPOSE AND SCOPE

Each patrol shift 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. To accomplish this goal, a Lieutenant heads each watch.

420.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits.

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Mobile Data Terminal (MDT) Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between Department members and Dispatch.

421.2 POLICY

West Valley City Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations, and shall use the MDT in a professional manner, in accordance with this policy.

421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received, or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

421.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Watch Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, and communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

421.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other Department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(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 should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

421.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

421.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the Department member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made, or until they are also handling an emergency.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDT

Whenever possible, Department members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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421.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequencies emitted by the MDT could cause some devices to detonate.

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Public Recording of Law Enforcement Activity

422.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

422.2 POLICY

The West Valley City Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

422.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officer, him/herself or others.

(d) Recording the actions of an officer does not by itself constitute a crime of interference, willful resistance, disorderly conduct or obstruction of justice (Utah Code 76-8-305).

422.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

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Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

422.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

422.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to

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be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Foot Pursuits

423.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

423.2 POLICY

It is the policy of the department that officers, when deciding to initiate or continue a foot pursuit, must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

423.3 DECISION TO PURSUE

The safety of department members 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 members.

Officers may be justified in initiating a foot pursuit of any individual that 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 alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion of the individual's involvement in criminal activity or being wanted by law enforcement.

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 may place department members 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:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support.

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(f) 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 foot pursuit.

423.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) 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) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with Dispatch 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 resources.

(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 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.

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423.5 RESPONSIBILITIES IN FOOT PURSUITS

423.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of 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) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

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, to include requesting medical aid as needed for officers, suspects or members of the public.

423.5.2 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.

423.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the 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

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possible; the supervisor does not, however, need to 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.

423.5.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Watch Commander as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

423.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) 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.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

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The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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Homeless Persons

424.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless 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.

424.1.1 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.

424.2 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.

424.2.1 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.

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(e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Adult Abuse Policy.

(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.

424.3 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 the individual's 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 supervisor or the Department Homeless Liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.

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 the department Homeless Liaison Officer 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 Homeless Liaison Officer to address the matter in a timely fashion.

424.4 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 the policy regarding Response to Mentally Ill and Persons in Crisis).

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.

424.5 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

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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.

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First Amendment Assemblies

425.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

425.2 POLICY

The West Valley City Police Department respects the rights of people to peaceably assemble. It is the policy of this Department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life, and preventing the destruction of property.

425.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the content of the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life, and to prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront, or intimidate participants.

(c) Seize the cameras, cell phones, or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe Department members under their command to ensure that officers' interaction with participants and response to crowd dynamics is appropriate.

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425.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating Department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

425.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location.
- Number of participants.
- Apparent purpose of the event.
- Leadership (whether it is apparent and/or whether it is effective).
- Any initial indicators of unlawful or disruptive activity.
- Indicators that lawful use of public facilities, streets, or walkways will be impacted.
- Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

425.4.1 CRIMINAL STREET GANGS

Officers should conduct gang-loitering enforcement in a manner consistent with Utah law and should not infringe on the right of individuals to engage in constitutionally protected collective advocacy activities (e.g., lawful picketing, demonstrations, religious or political assembly) (Utah Code 53-25-602).

425.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

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425.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

425.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

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(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

425.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

425.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, the Incident Commander or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area, and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

425.7 USE OF FORCE

Use of force is governed by current Department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device (Taser) policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt

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a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this Department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

425.8 ARRESTS

The West Valley City Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking, and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail, and courts (see the Citation Releases Policy).

425.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

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425.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

425.11 POST EVENT

The Incident Commander should designate a Department member to assemble full documentation of the event, to include the following:

(a) Operational plan.

(b) Any incident logs.

(c) Any assignment logs.

(d) Vehicle, fuel, equipment, and supply records.

(e) Incident, arrest, use of force, injury, and property damage reports.

(f) Photographs, audio/video recordings, and Dispatch records/tapes.

(g) Media accounts (print and broadcast media).

425.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time, and description of the event.

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests).

(c) Problems identified.

(d) Significant events.

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

425.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

426.1 PURPOSE AND SCOPE

This policy provides members of the West Valley City Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Utah law.

426.2 POLICY

The West Valley City Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this Department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity, and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides, and refrain from giving legal or inappropriate advice.

426.3 GENERAL CONSIDERATIONS

When appropriate, Department members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should consider the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and reports when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

426.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

426.4.1 STANDBY REQUESTS

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, Department members 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 the 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

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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.

426.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

426.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be resolved by an individual seeking an order through the courts.

426.6.1 LONG-TERM GUEST ISSUES

For disputes related to a long-term guest, as defined by Utah Code 76-6-206.4, who has received notice to vacate a residence by an owner, tenant, or other person with apparent authority to act for the owner or tenant, officers must provide the guest with a reasonable time to collect personal belongings prior to escorting the individual from the residence. A long-term guest should not be escorted from the residence if a separate owner or tenant has granted the guest express permission to remain in the residence and the permission has not been revoked or rendered void (Utah Code 76-6-206.4).

426.6.2 REMOVAL OF TRESPASSER FROM REAL PROPERTY

If a property owner or property owner's authorized agent requests the immediate removal of a trespasser from real property located within the jurisdiction of the West Valley City Police Department, the Department will take reasonable steps to initiate action when appropriate in accordance with Utah Code 78B-6-817. If the trespasser is homeless or will be homeless following the removal, provisions of the Homeless Persons Policy should be followed to the extent practicable.

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Response to Mentally Ill and Persons in Crisis

427.1 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.

427.2 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.

427.3 DEFINITIONS

Definitions related to this policy include:

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.

427.4 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.

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427.4.1 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.

427.4.2 COMMITMENT OF ADULTS

An officer should take an adult person into protective custody when that officer observes the individual involved in conduct that gives the officer probable cause to believe the following (Utah Code 26B-5-331):

(a) The person has a mental illness; and

(b) The mental illness and conduct of the person poses a substantial danger to that person or others.

The officer should transport the person to a temporary commitment facility designated by the local mental health authority (Utah Code 26B-5-331).

427.4.3 COMMITMENT OF CHILDREN

An officer should take a child into protective custody for purposes of a 72-hour civil commitment when that officer observes the child involved in conduct that gives the officer probable cause to believe each of the following (Utah Code 26B-5-403):

(a) The child has a mental illness (Utah Code 26B-5-403);

(b) The mental illness and conduct of the child poses a substantial danger to that child or others;

(c) The child will benefit from mental health care and treatment; and

(d) There is no appropriate less-restrictive alternative.

427.5 CRISIS INTERVENTION TEAM (CIT) PROCEDURES

(a) The Crisis Intervention Team (CIT) is comprised of 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.

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(c) 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.

(d) 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, in accordance with the Transportation policy, below.

427.6 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.

427.7 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,

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.

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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 the method of transport as per their policies and guidelines.

427.8 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.

427.9 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.

427.10 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.

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(e) Follow the applicable policy for detainee transportation.

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.

427.11 FIELD CONTACT, INTERVIEW AND INTERROGATION

Whenever a Department 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.

427.12 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.

427.13 TRAINING

On an annual basis, the Department will provide documented entry-level and refresher training for all personnel on interacting with people who are experiencing mental illness or who have mental disabilities.

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Naloxone

428.1 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.

428.1.1 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.

428.2 LEGAL PREMISES FOR IMPLEMENTATION

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:

(a) A Medical Review Physician has approved the specific training program; and

(a) The training program meets the minimum standards established by the Department. Also;

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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.”

428.3 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.

428.3.1 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.

428.3.2 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.

428.4 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.

428.5 NALOXONE COORDINATOR

The Training Section Lieutenant is designated as the Naloxone Coordinator, and shall be responsible for the following:

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(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.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 POLICY

It is the policy of the West Valley City Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic collisions, citizen complaints, traffic volume, traffic conditions, and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.2 PURPOSE AND SCOPE

The purpose 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, traffic volume, and traffic 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.

500.3 DEPLOYMENT

Enforcement efforts may include techniques such as geographic/temporal assignment of Department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems, or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for Department members. State and local data on traffic collisions are a valuable resource. Factors for analysis include but are not limited to:

- Location
- Time
- Day
- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic collisions, and also will consider the hours

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and locations where traffic collisions tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic collisions frequently occur.

500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This Department does not establish ticket quotas. The number of arrests or citations issued by any Department member shall not be used as the sole criterion for evaluating overall performance. Several methods are effective in the reduction of traffic collisions.

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by a Department member when circumstances warrant, such as when a minor violation was inadvertent.

500.4.2 CITATIONS

Citations should be issued when a Department member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with:

(a) An explanation of the violation or charge.

(b) The court appearance procedure, including the optional or mandatory appearance by the motorist.

(c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.4.3 LICENSE RE-EXAMINATION REFERRAL

Officers who, through observation and/or testing, believe a motor vehicle operator has a physical, mental, or emotional impairment that appears to present an imminent threat to driving safety shall submit a "Request for Interview or Reexamination" form to the Driver License Division of the Department of Public Safety as per Utah Code 53-3-305.

500.4.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses 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.

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500.5 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.

500.6 UNSAFE ROAD CONDITIONS

Unsafe road conditions due to weather, road damage, or other emergencies should be addressed as soon as practicable.

(a) A member who locates or is assigned to investigate an unsafe road condition should use temporary traffic control devices, if necessary, to identify the safety hazard, isolate it, and limit the public's ability to come into contact with or access the area.

(b) A member who locates or is assigned to investigate an unsafe condition should assess the condition and request through Dispatch that notifications be made to appropriate authorities responsible for correcting the safety hazard. The dispatcher should document the condition and all notifications that are made.

(c) If a member needs assistance with isolating a safety hazard, the member may request additional members to the location.

(d) If there are any questions regarding the proper isolation of a roadway safety hazard, members should contact their supervisor.

(e) A member should only leave the location under one of the following circumstances:

1. The unsafe condition has been corrected.
2. The member is relieved by an appropriate authority who will conduct the repair, and traffic direction and control services are no longer needed.
3. The member is properly relieved by another member.
4. When authorized by a supervisor.

500.7 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, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

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 Department member.

500.7.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the Department member or when the member will be exposed to the hazards of passing traffic, or will be maneuvering or operating vehicles, machinery, and equipment.

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(a) Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures, and disaster scenes.

(b) When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

(c) Use of the vests shall also be mandatory when directed by a supervisor.

500.7.2 CARE AND STORAGE

High-visibility vests shall be maintained in the trunk of each patrol and investigation vehicle, in the side box of each police motorcycle, and in the gear bag of each patrol bicycle. Each vest should be stored inside a resealable plastic bag to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure that a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Training Unit sergeant should be promptly notified whenever the supply of vests needs replenishing.

500.8 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE

It is the responsibility of the Traffic Unit Sergeant to establish a report form and a procedure for school crossing guards to report speed violations to the West Valley City Police Department. The reporting forms shall be made available to school crossing guards and to school administrative offices (Utah Code 41-6a-604 and Utah Code 41-6a-604.5). The report form 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.

500.8.1 NOTIFICATION OF VIOLATION TO VIOLATOR/VEHICLE OWNER

It will be the Traffic Unit Sergeant'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.

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(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 Unit Sergeant is responsible for ensuring all other mandates of Utah Code 41-6a-604.5 are met or that further investigation, if warranted, is conducted.

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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.

(a) 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.

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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.

(b) 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.

(c) 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.

(d) 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

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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.

(e) 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

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assisting agencies, personnel will provide traffic and crowd control until no longer needed at the scene.

(f) 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

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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 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.

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Traffic Stops

502.1 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.

502.2 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

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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.

(a) 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.

502.3 INITIATING THE STOP

502.3.1 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.

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(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.

502.3.2 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.
    i. 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:
    i. Location of stop.
    ii. Vehicle description.
    iii. Suspect description, if possible.
    iv. Number of occupants in the vehicle.
    v. If there are children in the vehicle.
    vi. Vehicle license plate number.
    vii. Offense to which the vehicle is suspect in.

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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.
    i. 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.
    i. The Officer's vehicle should provide optimal ballistic coverage by utilizing the engine block or the vehicle's pillars.
    ii. Positioning should be approximately 30 feet behind the suspect vehicle.
    iii. Emergency vehicle should remain running.
    iv. Vehicle should be in the "Parked" position.
8. Second officer vehicle position should be to the right of initial officer's vehicle.
    i. The involved officers should communicate positioning and steps to be taken to ensure safety.
    ii. The second officer should position their vehicle and self, as described above for the initial officer, making sure that the best protection is available.
    iii. The second officer may take up a position behind the right door of the initial unit's vehicle.
    iv. The second officer is responsible for coverage of passenger side of the suspect vehicle.

502.4 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 should:
    1. Consider the following needs:

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i. Traffic control
ii. Crowd control
iii. Additional officers and resources
iv. Support personnel

2. Use the P.A. system in their emergency vehicle and order the suspect to:
   i. Turn off the ignition to their vehicle.
   ii. Remove the keys.
   iii. Place the keys on the roof of their vehicle.
   iv. Place and keep their hands in the air where officers can see them.
   v. 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 towards officers until they are told to stop.
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.

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(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.

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Traffic Collisions

503.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic collisions.

503.2 POLICY

(a) It is the policy of the West Valley City Police Department to respond to traffic collisions and render or summon aid to injured victims as needed.

(b) The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision, and through enforcing applicable laws.

(c) Unless restricted by law, traffic collision reports will be made available to the public upon request.

503.3 RESPONSE

Upon arriving at the scene, the responding member of the Department should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this Department and there is:

1. A life-threatening injury.
2. A fatality.
3. A City vehicle involved.
4. A City official or employee involved.
5. Involvement of an on- or off-duty member of this Department.

(b) Is within another jurisdiction and there is:

1. A City of West Valley City vehicle involved.
2. A City of West Valley City official involved.
3. Involvement of an on-duty member of this Department.

503.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control.

(b) Proper placement of emergency vehicles, cones, roadway flares, or other devices if available to provide protection for members, the public, and the scene.

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(c) First aid for any injured parties if it can be done safely (see the Medical Aid and Response policy).

(d) The potential for involvement of hazardous materials (see the Hazardous Material Response policy).

(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).

1. The fire department shall be summoned immediately for any fire hazard at the scene of a collision. Members should take all reasonable measures to protect collision victims and themselves from fire injury.

(f) Clearance and cleanup of the roadway.

503.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if a supervisor is unavailable, the Watch Commander. The Watch Commander or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Watch Commander will ensure notification is made in accordance with the Major Incident Notification policy.

503.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, Department chaplain, or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic collision should not be released until notification is made to the victim's immediate family.

503.5 MINIMUM REPORTING REQUIREMENTS

A collision report shall be taken when (Utah Code 41-6a-402):

(a) A fatality, any injury (including complaint of pain), driving under the influence, or hit-and-run is involved.

(b) An on-duty member of the City of West Valley City is involved.

(c) The collision results in any damage to any City-owned or leased vehicle.

(d) The collision involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) There is damage to any vehicle to the extent that towing is required.

(g) Prosecution or follow-up investigation is contemplated.

(h) Directed by a supervisor.

(i) A report is requested by any involved driver.

(j) There is total property damage that appears to exceed $2,500.

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503.5.1 PRIVATE PROPERTY

Traffic collision reports shall be taken for traffic collisions occurring on private property when the collision results in injury to, or death of, any person, or total property damage appears to exceed $2,500 (Utah Code 41-6a-402). An incident report may also be taken at the discretion of any supervisor.

503.5.2 CITY VEHICLE INVOLVED

A traffic collision report shall be taken when a City vehicle is involved in a traffic collision that results in property damage or injury.

A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Bureau Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

503.5.3 INJURED ANIMALS

Department members should refer to the Animal Control policy when a traffic collision involves the disposition of an injured animal.

503.5.4 TRAFFIC COLLISIONS INVOLVING LIVESTOCK

An officer investigating a collision shall indicate in the report whether the collision 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.

503.6 INVESTIGATION

When a traffic collision meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

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503.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Traffic Unit Sergeant or on-duty Watch Commander should request that the Utah Highway Patrol or other outside law enforcement agency investigate and complete a traffic collision investigation when a life-threatening injury or fatal traffic collision occurs within the jurisdiction and involves:

(a) An on- or off-duty member of the Department.

1. The involved member shall complete the Department traffic collision form. If the member is unable to complete the form, the supervisor shall complete it.

(b) An on- or off-duty official or employee of the City of West Valley City.

Department members shall promptly notify a supervisor when any Department vehicle is involved in a traffic collision. The collision investigation and report shall be completed by the agency having jurisdiction.

503.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members of the Department should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter, or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

503.7.1 TRAFFIC COLLISIONS INVOLVING SERIOUS INJURY OR DEATH

(a) An officer who issues a citation to a person for a moving traffic violation that results in a collision causing serious bodily injury or death shall note that fact on the citation (Utah Code 41-6a-202).

(b) When there is probable cause to believe that a driver involved in a collision is impaired, the investigating officer should direct an individual to submit to a chemical test in accordance with the Impaired Driving Policy or seek a search warrant.

(c) If the collision resulted in a fatality and the officer believes there is insufficient probable cause to justify a search warrant, the officer shall discuss the situation with a supervisor to confirm that no impairment is suspected and probable cause for a chemical test does not exist (Utah Code 41-6a-520).

503.8 REPORTS

Members shall utilize forms approved by the Utah Department of Transportation (UDOT) as required for the reporting of traffic collisions. All such reports shall be forwarded to the records section for approval and filing.

503.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the Department member who prepared the report, and only prior to its approval and

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distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member of the Department.

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Police Vehicle Traffic Collision Reporting

504.1 PROCEDURE FOR ACCIDENTS INVOLVING POLICE DEPARTMENT VEHICLES

(a) When officers and non-sworn employees driving a West Valley City vehicle are involved in a traffic accident, regardless of location, they will:

1. Preserve the safety of themselves and others.
2. Notify VECC dispatch if within radio contact area, or other appropriate law enforcement agency and request appropriate assistance.
3. Notify the on-duty supervisor.
4. Notify their immediate supervisor as soon as practical.

(b) All accidents involving vehicles assigned to the WVCPD will be investigated by an outside law enforcement agency. Photos will be taken and forwarded with the West Valley Officer's report. A supervisor may waive the necessity for an outside agency investigation if the damage is minor and there are no injuries, and shall detail the justification for that decision in a memorandum which shall accompany the supervisor's vehicle accident entry in the Department traffic accident records management software program.

(c) The Watch Commander or responsible supervisor will respond to the scene, evaluate the incident, and make notifications as necessary. If available, (and on duty) the involved employee's immediate supervisor may respond instead of the Watch Commander. 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.

(d) The responding supervisor will prepare a critical incident notification summarizing the incident. This notification will be sent electronically to the Chief, Deputy Chiefs, and City Attorney's Office.

(e) The involved employee will document the accident in a timely manner and forward it to the employee's unit supervisor.

1. The involved employee will generate a vehicle accident entry in the Department traffic accident records management software program, with all information they currently have for the incident, and forward to the unit supervisor.
2. The unit supervisor will gather all reports, including those from outside law enforcement agencies, and add them to the vehicle accident entry in the Department traffic accident records management software program and forward the entry to the Accident Review Committee (ARC),

(f) The Accident Review Committee will review the incident as outlined in the Risk Management / ARC policy.

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504.2 OTHER DAMAGE TO DEPARTMENT VEHICLES

(a) All other damage to Department vehicles will be reported immediately to the employee's supervisor, and in an IDC stating the cause of the damage, if known.

(b) This IDC will be sent through the chain of command to the section commander.

(c) Photos will be taken and forwarded with the report.

(d) The ARC will review all reported damage for the purpose of identifying training, procedural, or operational improvements.

(e) Instances where a concerning pattern of behavior is detected, damage is unreported in a timely manner, or damage is caused by negligent behavior may result in further investigation or disciplinary action.

504.3 VEHICLE REPAIRS

(a) For vehicles that are operable:

1. 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.
2. 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.
3. 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.

(b) For damaged vehicles that are unsafe or inoperable:

1. The vehicle will be towed to the City Shops and a detailed work order along with a contact phone number will be completed.
2. Shops personnel will be responsible for facilitating the repair of the vehicle.

(c) Shops personnel will attempt to:

1. Keep the affected employee apprised of the status of the vehicle.
2. Coordinate with City Risk Management and the involved officer's supervisor regarding insurance claims, method of payment, and feasibility of repair.
3. Notify the employee's section commander of all reported and unreported damage.
4. Contact the appropriate Deputy Chief for final approval of repairs.

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Uniform Traffic Enforcement

505.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for uniform enforcement of traffic laws.

505.2 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.

505.3 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.

505.3.1 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.

505.3.2 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,

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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.

505.3.3 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.

505.3.4 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.

505.3.5 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.

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505.3.6 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.

505.3.7 PUBLIC CARRIER / COMMERCIAL 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.

505.3.8 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.

505.3.9 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.

505.3.10 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.

505.3.11 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 Code 41-6a Part 5

(b) Reckless driving

(c) Vehicular homicide

(d) Hit and run

(e) No insurance

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(f) Failure to respond to an officer's signal to stop (fleeing)

505.3.12 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.

505.3.13 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 West Valley City Code 22-2-119 and the Department policy regarding vehicle towing and impounds. 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.

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Hazardous Highway Conditions

506.1 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.

506.2 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 judgment and common sense when they encounter traffic hazards.

506.3 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.

506.4 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

506.5 HAZARDOUS MATERIALS

Hazardous materials will be handled per the policy on Hazardous Material Response.

506.6 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.

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506.7 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.

506.8 ABANDONED / STOLEN VEHICLES

Abandoned and stolen vehicles will be handled per the policy on Vehicle Towing / Impounds.

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Vehicle Towing

507.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing.

507.2 POLICY

The West Valley City Police Department will tow vehicles when appropriate and in accordance with the law.

507.3 REMOVAL OF VEHICLES DUE TO HAZARD

(a) When a vehicle needs to be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Dispatch to expedite the process.

(b) If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the Department member (Utah Code 41-6a-1405).

(c) Vehicles that are not the property of the City should not be driven by Department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

507.3.1 REMOVAL OF VEHICLE INVOLVED IN AN ACCIDENT

An officer may, without the consent of the owner, remove a vehicle that has been involved in an accident if the vehicle has been damaged or spilled within the right-of-way or any portion of a roadway on the state highway system, is blocking a roadway, or is otherwise endangering public safety (Utah Code 41-6a-401.9).

507.3.2 REMOVAL OF ABANDONED OR ILLEGALLY PARKED VEHICLES

(a) A vehicle is considered abandoned and may be removed by an officer, or parking compliance personnel, if it has been left unattended more than 48 hours on a highway or more than seven days on public or private property without the property owner's consent (Utah Code 41-6a-1408).

(b) A vehicle can also be removed having met the standards listed in West Valley City Ordinance 22-2-119 - Authority to move or remove illegally parked vehicles.

(c) Parking compliance personnel will:

1. Have a sworn backing officer present when impounding a vehicle that is parked within 500 feet of the listed registered address or when there are documented involvements for the owner or vehicle within the same distance.
2. Use caution and request a sworn backing officer when there is reason to believe their safety may be compromised.

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507.4 ARREST SCENES

(a) Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene (Utah Code 41-6a-1405).

(b) Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

(c) The following are examples of situations in which a vehicle should not be towed:

1. The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.
2. The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
3. The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and legally able to take control of the vehicle.
4. The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases, the requester should be informed that the Department will not be responsible for theft or damages.

507.4.1 TOWING SEIZED VEHICLES

Officers should have a vehicle towed and impounded for seizure when (Utah Code 41-1a-1101):

(a) There is probable cause to believe that the operator of the vehicle has engaged in a road rage event and is arrested.

1. The officer may release the vehicle if a registered owner who was not the operator is present to take possession of the vehicle.

(b) The operator does not have a driver license in their possession, and the officer is unable to verify whether the operator has been issued a license by searching the Utah Criminal Justice Information System or other means, unless:

1. A licensed driver is available and authorized to drive the vehicle.
2. The operator is under 18 years old or has previously been issued a driver license that is expired.
3. Towing the vehicle would create a public safety concern to the operator or an occupant of the vehicle or prevent the officer from addressing other public safety considerations.

(c) The vehicle was being operated on a highway without the required insurance and was involved in an accident.

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1. If the operator of the vehicle is not carrying evidence of insurance, the officer should confirm whether insurance is in effect through a query of the Uninsured Motorist Identification Database.
2. If the operator of the vehicle is carrying evidence of insurance but the Uninsured Motorist Identification Database indicates that the security is not in effect, the officer should make a reasonable attempt to independently verify the insurance.

(d) The officer determines seizure is appropriate based on the circumstances and is authorized by Utah Code 41a-1101 or other law.

The officer should record the mileage shown on the vehicle's odometer at the time of seizure if practicable.

507.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed to further an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

507.6 VEHICLE INVENTORY

(a) The contents of all vehicles towed at the request of Department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

1. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.
2. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
3. Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks, and locked car top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company, or an unlocking mechanism for such compartment is available within the vehicle.
4. Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases, or other closed containers designed for carrying money, small valuables, or hazardous materials.

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(b) Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked as property for safekeeping.

(c) Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Policy. A copy of the property receipt form should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

(d) A copy of the vehicle inventory will be given to the tow truck operator.

(e) These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of Department members, and protecting the Department against fraudulent claims of lost, stolen, or damaged property.

(f) Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

507.6.1 VEHICLE INVENTORY BY PARKING COMPLIANCE PERSONNEL
Parking compliance personnel will:

(a) Complete a vehicle inventory report for all tows they facilitate.

(b) Not enter the vehicle to conduct an inventory.

(c) Ensure the vehicle is locked and document any items visible from the exterior of the vehicle.

(d) Photograph or capture the inventory on body worn camera.

(e) A copy of the vehicle inventory will be given to the tow truck driver.

507.7 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

(a) If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the Department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

(b) Unless it would cause an unreasonable delay in the completion of a vehicle impound/ storage or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

(c) Members of the Department who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or the owner's agent to request a hearing to contest the tow.

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507.8 IMPOUNDS

507.8.1 ALL IMPOUNDS

(a) Inventories shall be conducted on all impounded vehicles as outlined in this policy, above.

(b) Personal property left in impounded vehicles:

1. Persons who can provide proof of ownership (preferably the registered owner or title holder) for a vehicle towed or impounded incident to a West Valley City tow rotation call (excluding vehicles that have been seized for forfeiture or as evidence) may be allowed to enter the vehicle during normal business hours to 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 through the NCIC system to see whether they have been reported stolen. 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.

1. It is not sufficient to run only the license plate through the NCIC computer.
2. The officer will document this activity in his/her incident report.
3. If the NCIC computer is down, the officer shall request the dispatcher to hold the V.I.N. and license plate numbers and run them 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 information 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" indicating the status (ie. recovered stolen vehicle, drug seizure, hold for owner, DUI, Hit and Run, Evidence seizure detective-traffic, abandoned vehicle, release to owner, other).

1. The West Valley Police Department Vehicle Impound/ Disposition Form must be completed for vehicles that are held in the West Valley secure vehicle warehouse, City Shops, or any other location for further police follow-up.

507.8.2 STATE TAX IMPOUNDS

Only Department-approved and authorized State Impound towing companies will be used for State Tax impounds. Officers, or parking compliance personnel, will notify dispatch that they are requesting 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 41-6a-1408.

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i. State Tax impound towing companies will be used to impound abandoned vehicles, vessels, or outboard motors.

ii. The State Tax Vehicle Impound Form will be completed by the officer and marked in the "Abandoned/Possible Theft" box.

iii. 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.

i. Officers will make reasonable efforts to contact the owner of the vehicle to have it moved before impounding.

ii. The officers will document those efforts in his/her incident report.

3. Private Property.

(a) 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.

(b) If officers are contacted or dispatched on a private property abandoned vehicle, vessel or outboard motor, the officer will check the V.I.N. 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 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 41-1a-1101.

(c) Recovered stolen vehicle.

1. If the owner of the recovered stolen vehicle cannot be contacted, or if contacted, cannot 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 were made and means were used to contact the owner and the time that these activities occurred.

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(d) Improper registration. In accordance with Utah Code 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 that displays license plates registered to another vehicle, regardless of ownership, and 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 may be issued. If the lapse is over six (6) months officers should consider impounding but it is not mandatory.

(e) DUI arrests/impounds.

1. When an officer arrests a driver of a vehicle for DUI, the officer will impound the vehicle. The officer will request that the dispatcher assigns 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 exceptions to this procedure are:

   i. 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 ensure that the requesting individual:

      A. Has a valid operator's license.
      B. Has sufficient identification to prove co-ownership/registration of the vehicle.
      C. Complies with all restrictions of his/her operator's license.
      D. Would not, in the officer's judgment, be in violation of any law if permitted to operate the vehicle.
      E. The vehicle is legally operable.

   ii. 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 ensure the person taking custody of the vehicle:

      A. Has a valid operator's license.
      B. Complies with all restrictions of his/her operator's license.
      C. Would not, in the officer's judgment, be in violation of any law if permitted to operate the vehicle.

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D. The vehicle is legally operable.

(f) 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.

(g) In addition to DUI, an officer who arrests, cites, or refers a driver for violating any of the offenses listed below, shall complete a State Tax impound of the vehicle. The same exceptions to impounding the vehicle that are listed above in the section regarding DUI arrest/impounds, also apply (Utah Code 41-6a-527).

1. Interlock restricted driver (Utah Code 41-6a-518.2).
2. Refusal of implied consent to chemical tests for alcohol or drugs (Utah Code 41-6a-520).
3. Alcohol restricted drivers (Utah Code 41-6a-530).
4. Speed contest or exhibition on highway (Utah Code 41-6a-606).
5. Person under 21 operating a vehicle with detectable alcohol in the body (Utah Code 53-3-231).
6. Driving a vehicle while driving privilege is denied, suspended, or revoked for the following reasons (Utah Code 53-3-227(3)(a)(i) through (iv) and (ix)):
   i. A refusal to submit to a chemical test under Utah Code 41-6a-520.
   ii. A violation of the DUI/alcohol or DUI/drugs laws (Utah Code 41-6a-502 & 41-6a-517).
   iii. A violation of a local DUI ordinance and related ordinances that comply with Utah Code 41-6a-510.
   iv. A violation of the alcohol-restricted driver law (Utah Code 41-6a-530).

507.8.3 RECORDS

Members of the Records Section shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

507.8.4 VEHICLE IMPOUND REPORT

Department members towing a vehicle shall complete a Vehicle Impound Report in the format approved by the Motor Vehicle Division. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

The Department shall forward the Vehicle Impound Report containing all required information to the Motor Vehicle Division before noon on the next business day after the date of the impoundment (Utah Code 41-6a-1406(4)).

507.8.5 INFORMATION TO TOW TRUCK DRIVER

When an officer has a vehicle removed but not impounded, the officer shall provide the tow truck operator with their name and badge number, the name and originating agency identifier of the Department, and the Department case number (Utah Code 41-6a-1406(5)).

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507.8.6 TOWING SERVICES

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 41-6a-1405). Unattended vehicles left standing on a highway or in a position or under circumstances that obstruct 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, or if the vehicle being driven by the arrested party is a reported or suspected stolen vehicle. If the driver of the vehicle is arrested for a narcotics-related offense, the officer should consider whether the vehicle qualifies as a City impound hold for seizure, per the applicable policy.
    i. The officer should allow the registered owner to release the vehicle to another driver if:
        A. It will not unduly inconvenience the officer in conducting the investigation and continuing with the officer's duties.
        B. The owner signs the written release of liability form.
        C. The individual the vehicle is being released to has a valid operator's license.
        D. The individual would not, in the officer's judgment, be in violation of any law if permitted to operate the vehicle.
        E. The vehicle itself is legally operable.
    ii. The officer should allow the registered owner to leave the vehicle where it is parked if:
        A. It will not unduly inconvenience the officer in conducting the investigation and continuing with the officer's duties.
        B. The owner signs the written release of liability form.
        C. The vehicle is legally parked.
        D. It would not put the officer or the public in danger.

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507.8.7 RECORDS SECTION RESPONSIBILITY FOR IMPOUNDS

The Records Section employees shall follow the procedures listed below:

(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 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.

(c) 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. The case will be assigned a tow history number.

(d) 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.

(e) If the letter to the last listed registered owner as described in section (c) 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"will be included in the case file.

(f) An officer releasing the vehicle will contact the vehicle owner and impound yard and notify them that the vehicle can be released.

507.8.8 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.

507.9 STORAGE OF VEHICLES

A vehicle being impounded shall be stored at a state impound yard in the county where the tow is initiated unless (Utah Code 72-9-608):

(a) The vehicle is being held as evidence, in which case the officer shall direct that the vehicle be stored at the impound yard where the Department stores such evidence.

(b) An impound yard in an adjacent county is closer to the location where the tow is initiated and the officer informs the vehicle's owner of the location of the impound yard.

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(c) An impound yard or tow service within the county where the tow is initiated is unavailable.

A vehicle being removed but not impounded shall be stored at a state impound yard unless the registered owner has requested a different location and made payment to the tow truck operator at the time of removal (Utah Code 41-6a-1406).

507.10 RECORDS

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

507.10.1 VEHICLE IMPOUND REPORT

Department members towing a vehicle shall complete a Vehicle Impound Report in the format approved by the Motor Vehicle Division. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

The Department shall forward the Vehicle Impound Report, containing all required information, to the Motor Vehicle Division before noon on the next business day after the date of the impoundment (Utah Code 41-6a-1406(4)).

507.10.2 INFORMATION TO TOW TRUCK DRIVER

When an officer has a vehicle removed but not impounded, the officer shall provide the tow truck operator with their name and badge number, the name and originating agency identifier of the Department, and the Department case number (Utah Code 41-6a-1406(5)).

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Impaired Driving

508.1 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).

508.2 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.

508.3 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.

The Traffic Unit Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Utah or another jurisdiction.

508.4 FIELD TESTS

The Traffic Unit Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

508.4.1 ORAL FLUID AND PORTABLE BREATH TESTING

A voluntary oral fluid test or portable breath test may be administered in accordance with UAC R714-501-3 and UAC R714-501-4 if there is evidence of impairment based on the totality of the circumstances after the FSTs have been administered. The oral fluid or portable breath test shall not be the primary factor upon which a decision to arrest is made.

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508.5 CHEMICAL TESTS

A person implies consent under Utah law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Utah Code 41-6a-520):

(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) or Utah Code 41-6a-530 (Alcohol Restricted Drivers).
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 (Utah Code 41-6a-517).

(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 (Utah Code 53-3-231).

The officer shall direct an individual to submit to a chemical test when there is reasonable suspicion to believe that the person was operating or in actual physical control of a motor vehicle while impaired (Utah Code 41-6a-520).

If a person withdraws their implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

508.5.1 STATUTORY NOTIFICATIONS

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.

508.5.2 BREATH SAMPLES

The Traffic Unit Sergeant 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 Unit Sergeant.

508.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Utah Code 41-6a-523; Utah Code 77-23-213). The blood draw should be witnessed by the assigned officer.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

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The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

508.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee 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 member of the same sex as the person giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility. The collection kit shall be marked with the person's name, suspected 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.

508.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Utah Code 41-6a-520).

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

508.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of the Driver License Division’s (DLD) intention to revoke the person's driving privilege or license upon the person (Utah Code 41-6a-520).

508.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist (Utah Code 77-23-213):

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.

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508.6.3 FORCED BLOOD SAMPLE

If an arrestee 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) Verify that a search warrant has been obtained that authorizes the use of reasonable force to perform the blood draw.

(b) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(c) 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.

(d) 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 individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(e) Ensure that the blood sample is taken in a medically approved manner.

(f) Ensure that the forced blood draw is recorded on audio and/or video when practicable.

(g) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

1. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
2. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(h) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

508.7 ARREST AND INVESTIGATION

508.7.1 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 (Utah Code 41-6a-508).

508.7.2 VEHICLE IMPOUNDMENT

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's license, and demonstrate that the individual would not be in violation of the DUI laws of this state if permitted to operate the vehicle (Utah Code 41-6a-527).

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508.7.3 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 (Utah Code 41-6a-520):

(a) Issue the person a temporary license certificate.

(b) Provide the person with basic information regarding how to obtain a hearing before the Driver License Division (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 (Conducted Energy Device (CED), 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" on the handheld radio 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.

508.7.4 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 has already submitted to one test, is nonetheless considered a refusal under state DUI laws (Utah Code 41-6a-520).

508.7.5 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 (Utah Code 41-6a-520).

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508.8 REPORTING

The Traffic Unit Sergeant shall ensure that the Department complies with all reporting requirements pursuant to Utah Code 53-10-206.

508.8.1 CRASH AND ARREST DATA

The Traffic Unit Sergeant should facilitate the collection of information from officers required by Utah Code 53-10-118 for submission to the State of Utah, Department of Public Safety, Criminal Investigations and Technical Services Division (Utah Code 53-25-104).

508.9 RECORDS SECTION RESPONSIBILITIES

The Records Section Director will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

508.10 ADMINISTRATIVE HEARINGS

The Records Section Director will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Driver License Division (DLD).

508.11 TRAINING

The Training Unit sergeant 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 Unit sergeant shall also ensure that each officer receives training on the current standard field sobriety testing guidelines established by National Highway Traffic Safety Administration and on the proper use of oral fluid and portable breath tests (Utah Code 41-6a-515.6; Utah Code 53-25-102; UAC R714-501-3; UAC R714-501-4).

The Training Unit sergeant should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

509.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction and voiding of traffic citations.

509.2 RESPONSIBILITY FOR 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.

509.3 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. Only the court has the authority to dismiss a citation that has been issued (Utah Code 77-7-26). A

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.

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509.4 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.

509.5 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.

509.6 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.

509.7 PARKING VIOLATION APPEAL PROCEDURE

Appeals of Parking Violations are addressed in the Parking Enforcement policy.

509.8 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. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

(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 for 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.

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4. Traffic violations committed by military members outside of the exceptions above will be handled in the same manner as any other traffic violation.

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Parking Enforcement

510.1 PURPOSE AND SCOPE

To establish and maintain a program to identify and enforce parking ordinances and address 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.

510.2 STAFFING

This program is staffed by Parking Compliance Specialists employed by West Valley City for parking enforcement.Parking Compliance Specialists are under the supervision a Parking Compliance Supervisor, who is under the supervision of the Community Services Section Lieutenant**.**Parking Compliance Specialists perform a definite and necessary function in relation to the enforcement of city parking ordinances and regulations.

510.3 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.

510.4 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 Parking Compliance Supervisor or Community Services Lieutenant. Parking Compliance Specialists will work individually unless directed to do otherwise by the Parking Compliance Supervisor or Community Services Lieutenant.

510.5 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.

510.6 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

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maintain effective relations with merchants and the working/shopping public. Parking Compliance Specialists represent the City as a reliable public information source.

510.7 EQUIPMENT

(a) 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.

(b) 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.

(c) If Parking Compliance Specialists operate Department vehicles equipped with automated license plate readers (LPRs), they will be trained on this equipment prior to use and operate it in accordance with Department Policy §462 – Automated License Plate Readers (ALPRs).

(d) Upon termination of employment for any reason, all issued equipment 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 Bureau Deputy Chief will make the final decision.

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Disabled Vehicles

511.1 PURPOSE AND SCOPE

All law enforcement agencies having responsibility for traffic enforcement should develop and adopt a written policy to provide assistance to motorists in disabled vehicles within the Department's primary jurisdiction.

511.2 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).

511.2.1 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.

511.3 EXTENT OF ASSISTANCE

Under normal circumstances, police officers shall not provide the following types of assistance unless specifically approved by the on-duty shift supervisor:

(a) Providing mechanical repairs.

(b) Transporting gasoline or other petroleum products.

(c) Using city vehicles to push or pull a disabled vehicle.

In the event that the decision to use a city vehicle to push or pull a disabled vehicle is made, the officer/specialist will advise the individual that policy requires them to fill out a Release of Liability form. This form will be administered using the same guidelines described in the Motorist Assists and Vehicle Lockouts policy.

511.3.1 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The Department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the West Valley City Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A preliminary examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
    4. Make reasonable attempts to locate, identify, and interview all available victims, complainants, witnesses, and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face, or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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600.3.3 CRIME SCENE PROCESSING

The Department has access to crime scene investigators on a 24-hour basis to process crime scenes. The Watch Commander or the authorized designee shall notify the appropriate Department members or agency when investigative or processing assistance is needed.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

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.

At no time will officers use threats, coercion, or promises to force voluntary waiver of any rights granted to individuals.

A suspect who invokes his or her Sixth Amendment right to counsel cannot be interrogated unless and until the suspect's attorney is present, the suspect reinstates discussion about the case with police, or there has been a 14 day cooling off period after being released from custody (Maryland v. Shatzer 559 U.S. 98, 2010).

Please refer to the policy regarding Temporary Custody of Juveniles for the simplified Miranda warning, and other procedures that apply to conversations with minors.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense as defined in Utah Code 76-3-203.5(1)(c)(i) should be recorded (audio or video with audio, as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

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(a) All reasonable investigative efforts have been exhausted; no reasonable belief exists that the person who committed the crime can be identified; and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

2. Warnings shall not be given for felony offenses, or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse Policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available. Refer to the policy regarding Computers and Digital Evidence.

600.7 ELECTRONIC EVIDENCE AND NONPUBLIC VICTIM OR WITNESS DATA

Members conducting criminal investigations shall make reasonable efforts to collect electronic evidence from a victim or witness (Utah Code 77-4-202).

For purposes of this section, electronic evidence means electronic data or information that is directly related to the criminal case and that requires disclosure under state or federal law.

Nonpublic victim or witness data means electronic data or information provided by a victim or witness that is not electronic evidence, is not otherwise available to the public, and for which a reasonable person would believe that the victim or witness has a reasonable expectation of privacy.

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600.7.1 INVESTIGATIONS SECTION SUPERVISOR RESPONSIBILITIES

The Investigations Section supervisor is responsible for developing procedures for the handling of and access to nonpublic victim or witness data including (Utah Code 77-4-202):

(a) Identifying nonpublic victim or witness data and segregating it from other electronic evidence.

(b) Retaining nonpublic victim or witness data within the care, custody, and control of the Department, except as otherwise provided by law.

(c) Maintaining nonpublic victim or witness data in an environment that is controlled and protects the privacy of victims and witnesses.

(d) Restricting the use of nonpublic victim or witness data to legitimate law enforcement purposes.

(e) Coordinating with the prosecuting attorney regarding the disclosure of, or requests for access to, nonpublic victim or witness data.

(f) Restricting the copying, photographing, or otherwise reproducing of nonpublic victim or witness data, except as authorized by law.

(g) Prohibiting the direct release of nonpublic data to a pro se defendant, except as authorized by law.

(h) Making reasonable efforts, when technically and operationally feasible, to implement secure methods for allowing authorized review of nonpublic victim or witness data while preventing unauthorized copying or duplication.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Refer to the Investigative Use of Social Media and Internet Sources Policy.

600.8.1 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Members of the Department are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Bureau Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 IDENTITY THEFT

A report should be taken any time a person living within the jurisdiction of the Department reports that the person has been a victim of identity theft. This includes:

(a) Taking a report, even if the location of the crime is outside the jurisdiction of this Department or has not been determined.

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance policy. Department members should encourage the individual to review the material and should assist with any questions.

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A report should also be taken if a person living outside Department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in West Valley City to facilitate the crime).

A member investigating a case of identity theft should ensure that the case is referred to the appropriate agency if it is determined that this Department should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for Department use and are specific to this type of investigation.

600.11 TRAINING

The Chief of Police or the authorized designee should designate one or more officers to complete training in cryptocurrency investigations. The designated officers should complete a POST-approved specialized cryptocurrency investigation training at least once every three years (Utah Code 53-6-202).

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Investigative Use of Social Media and Internet Sources

601.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing social media and internet sources for investigative purposes.

601.2 POLICY

Use of social media and other internet sources to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet for investigative purposes should only be accessed by Department employees while on duty and for purposes related to the mission of this Department.

601.2.1 DEFINITIONS

Definitions related to this policy include:

Alias social media profile – an undercover social media profile, associated with a social media alias, that is used by the Police Department to interact with suspects on social media sites.

Open source query – use of a software program to collect public, "open source" information about a suspect.

Social media alias – an undercover name used by the Department employees to interact with suspects on social media internet sites.

601.3 OFF-DUTY DISCOVERIES

If a member of the Department encounters information relevant to a criminal investigation while off duty or while using his/her own equipment, the member should note the dates, times, and locations of the information, take screen-captures, photographs, or videos (media) with Department equipment if practical, and report the discovery along with the media to his/her supervisor as soon as practical. The employee, or other Department member who has been assigned to do so, should attempt to document and corroborate the finding when on-duty and using Department equipment.

601.4 RECORD KEEPING

Information obtained via the internet may be retained temporarily for investigative purposes. If the information is related to a case, it should be added to the case as soon as practical; if not related to a case, the information shall be entered into a criminal intelligence system or purged within one year (see Temporary Information File).

Media obtained via the internet related to a case should be treated like photographic evidence (see Photographic Evidence) and be:

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(a) Uploaded through Evidence.com prior to the end of the submitting employee's shift on the day the media was gathered unless the officer receives a supervisor's approval to do otherwise;

(b) Categorized as "evidence" if they have evidentiary value; categorized as "citizen contact" if they do not, with the understanding they may be relabeled as information develops;

(c) Released following the Release of Photographic Evidence Policy.

601.5 INVESTIGATIVE USES OF SOCIAL MEDIA

During the course of an investigation, an employee may locate the social media profile of a victim, witness, or suspect. If the employee has been unable to identify another means to contact the individual, or if contact via social media is preferable, the employee may elect to contact the individual using their social media profile. Department members may use a true name or alias social media profile to make contact.

Task Force officers will follow the policies and practices of the Task Force or outside agency when acting in their capacity as a Task Force officer.

601.5.1 COVERT USE OF OPEN SOURCE QUERIES

(a) Open source queries may be used to seek or retain information that:

1. Is based upon a criminal predicate or threat to public safety; or
2. Is based upon reasonable suspicion that an identifiable individual organization has committed a criminal offense or is involved in or is planning criminal conduct or activity that presents a threat to an individual, the community, or the nation, and the information is relevant to the criminal conduct or activity; or
3. Is relevant to the investigation and prosecution of suspected criminal incidents or the prevention of crime; or
4. Is useful in crime analysis or situation assessment reports for the administration of criminal justice and public safety.

(b) An open source query may not be used to:

1. Infiltrate a private group; or
2. Surveil an individual.

601.5.2 AUTHORIZATION FOR ONLINE ALIASES AND ONLINE UNDERCOVER ACTIVITY

The use of alias social media profiles by individual officers is a valuable tool in the furtherance of various types of criminal investigations.

Members of the Department utilizing alias social media profiles for any purpose related to a criminal investigation shall notify their supervisor of the existence of the alias social media profile and request permission to use the alias social media profile in furtherance of that investigation.

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Members of the Department receiving supervisor permission to utilize an alias social media profile in this manner may attempt to be granted access to the social media profiles of individuals related to the criminal activity being investigated.

Department members utilizing an alias social media profile(s) shall do so in a manner consistent with court-recognized parameters already governing the use of covert or undercover investigative methods.

Department employees should utilize the appropriate deconfliction system when utilizing online aliases in an investigation that normally would require deconfliction.

601.5.3 OVERT USE OF SOCIAL MEDIA

If contact is established with an individual during a criminal investigation and the employee is not acting in an undercover or covert capacity, the employee shall:

(a) Immediately identify themselves and provide contact information;

(b) Consider whether contacting the subject in this manner will reveal an individual's cooperation with law enforcement and whether that will pose an undue risk to that individual's personal safety;

(c) Consider the implications of this type of contact for the case being investigated;

(d) Not use personal accounts to make such contacts.

601.6 SUPERVISOR RESPONSIBILITIES

The Special Investigations Section Lieutenant(s) shall review social media aliases annually for policy compliance and active use.

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Case Management

602.1 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 expectations and standards for the operation of the Investigations Section regarding case management.

602.2 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 investigators follow-up on criminal incidents involving adult and juvenile victims, witnesses, and offenders, and provide immediate assistance at major incident scenes.

602.3 PROCEDURE

Case reports are routed to the Investigations Section from the Police Records Section through the Department's Records Management System (RMS). These cases will be routed to the sergeants for assignment to their respective investigators 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.

602.4 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 landline 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. In some cases, DCFS will contact the SVU Sergeant, bypassing the telephonic officer. These cases are immediately sent to an investigator for review and an initial case is generated. The case will then be assigned consistent with the guidelines below.

602.5 PRIORITIZATION

Upon acceptable completion by the Records Section,receiving supervisor 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 Watch Commander Log,, email, or any other means communicated

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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.

602.6 ASSIGNMENT OF CASES

Once an active offense report has been routed to a supervisor, it is reviewed and assigned to an 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 investigator, date assigned, and the 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 investigator availability.
- Internal and outside agency documents and information.
- Available expertise.

602.7 INVESTIGATIVE RESPONSIBILITY

(a) Once a case has been assigned to an investigator or other investigative personnel, accountability for that investigation and documentation of the case is the responsibility of the assigned investigator, including but not limited to:

1. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations;
2. Conducting additional interviews and interrogations;
3. Seeking additional information;

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4. Planning, organizing, conducting searches, and collecting evidence;
5. Identifying and apprehending suspects;
6. Determining involvement of suspects in other crimes;
7. Checking suspects' criminal histories; and
8. Preparing cases for court presentation.

(b) Any Department member that has involvement in the case should make appropriate entries in the case 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.

(c) If the assigned investigator is unable to perform any tasks required in a specific investigation within a reasonable amount of time, the investigator should notify their assigned supervisor immediately.

602.7.1 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.

602.8 CASE MANAGEMENT & DOCUMENTATION

Ongoing case management and documentation is a top priority for the Investigations Section. The free notes section is an investigator's workload history of the case file. Notes are then used to document case-related activities. Notes are also required when all supplemental reports are completed, as well as when phone calls are made, email messages are sent, or other non-actionable items are completed. Use of the notes feature in the Department's RMS is mandatory and failure to adequately do so may result in disciplinary action.

602.9 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 several prosecuting agencies:

Salt Lake District Attorney Screening:

Felony Cases are screened and tracked electronically to the Salt Lake District Attorney's Office through their Prosecution Management System. **Homicides, sex crimes, or other high-profile incidents, 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.). The District Attorney still requires an initial entry into the Salt Lake District Attorney's Prosecution Management System before screening.

West Valley City Attorney Screening:

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Misdemeanor Cases are screened and tracked electronically to the West Valley City Attorney's Office through their Prosecution Management System. This accepts all infractions, Class B Misdemeanors, and Class A Misdemeanors that occur within the West Valley City limits.

Utah Attorney General's Office:

In a limited number of instances, cases may be forwarded to the the Utah Attorney General's Office for investigation and prosecution. For example, cases may be sent to the Internet Crimes Against Children (ICAC) Task Force.

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:

Must 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/agencies, and/or their prosecuting authority, to present the case to the agency or jurisdiction best suited for a successful prosecution.

602.10 CASE DESIGNATIONS

Cases are designated as Open/Active until a closure designation is assigned to the case. In the Department's RMS Case Management module (Versaterm Clearance Block), there are three ways a case can be designated as closed:

- Cleared/Other;
- Arrest/Citation or Summons Served, or
- Cleared Exceptionally.

A supplemental report and any accompanying case closure documents must be submitted to the Records Section justifying one of the following designations:

Closed/Other:

(a) Cases that come to a supervisor's queue as closed.

(b) *Leads End*:

1. Lack of probable cause for an arrest.
2. No further follow-up can be conducted.
3. No suspect information exists for follow-up.
4. Victim cannot be contacted/located.

(c) Cases in which the victim is uncooperative or unwilling to assist with prosecution.

Arrest/Citation or Summons Served:

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(a) Criminal citation issued, with or without custodial arrest.

(b) Cases in which criminal charges have been filed by the appropriate prosecuting agency.

Cleared Exceptionally:

Cases which were actively investigated, a suspect or suspects were identified, but the case did not result in an arrest for one of the following reasons:

(a) *Death of the Offender:* Suspect was identified but is killed or passes away prior to arrest.

(b) *Extradition Declined:* Suspect was identified and found to be living outside of the State of Utah. Extradition is declined by prosecuting court where the suspect is located.

(c) *Prosecution Declined:* Charges were screened against a known suspect, but declined by the prosecutor's office.

(d) *Juvenile/No Custody:* Juvenile suspect was identified, but charges won't be filed, or juvenile is under the age of culpability.

(e) *Suspect Known:* Adult suspect was identified, but charges will not be filed at this time in the interest of justice.

(f) *Other Agency Prosecuting:* Suspect identified but charges are filed by other jurisdiction due to linked cases, conflict of interest, or crime was found to have not been committed in West Valley's jurisdiction.

(g) *Unfounded:* investigation reveals this is a civil matter or non-criminal offense.

602.11 PURGING / CONSOLIDATING CASE FILES

The assigned investigator 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.

Investigation 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. 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).

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602.11.1 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:

(a) 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.

(a) Electronically- anything capable of being created or transferred electronically can be submitted to the Records Section via OnBase Workflow. This is a preferred method, as it time stamps each step in the process and is easier for Records Section personnel to approve and submit directly to OnBase without the need for manual scanning.

602.12 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 Auditsare 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 their 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 will be maintained by that supervisor and be available for review upon request by another supervisor.

602.13 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 log contains the number of active cases assigned to each investigator, 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 Section Commander upon request for inclusion in a monthly report to the Deputy Chief of the Special Operations Bureau.

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Interview Rooms

603.1 PURPOSE AND SCOPE

This policy establishes guidelines for use of 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 as evidence in legal proceedings.

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. These rooms shall not be used as prisoner holding cells.

(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) Interview Rooms 1, 2 and 3 are located on the main floor of the Police Department, in the northeast corner of the Temporary Detention Area. These interview rooms are classified as secure interview rooms and are meant to be used for interrogations. Officers shall secure firearms in a gun locker, their vehicle, or other area which denies unauthorized access to the weapon when entering the Temporary Detention Area.

(b) Interview Rooms 238 and 239 are located on the second floor of the Police Department, within the Investigation Section area, across from the north elevator. These rooms are classified as non-secure interview rooms and should be used for interrogations. Officers may use their discretion whether to be armed based on the

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totality of the circumstances including relative isolation, attitude and demeanor of the interviewee, availability of back-up, and ability to summon assistance.

(c) Interview Rooms 200 and 201 are located on the second floor of the Police Department, across from the south elevator. These rooms are classified as non-secure interview rooms and should be used for interviews with witnesses and victims.Room 200 is furnished with a couch, end tables and soft chairs. This room can be used as a “soft” interview room.

(d) Interview Room 114 is located on the main floor of the Police Department, west of the front lobby. This room is classified as a non-secure interview room and should be used for impromptu interviews of witnesses and victims or non-custodial interviews with suspects.

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), the Utah State Prison (USP), or in the Temporary Detention Area, 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 down searched prior to entering the room. Pat down searches of the opposite sex will be conducted in accordance with the policy regarding Pat Down Searches.
- Suspect interviews/interrogations will be monitored in person or from an audio/ video monitor 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

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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 GUIDELINES

(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 monitoring equipment at the West Valley Police Department has 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 they are addressed.

(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 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.

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- 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 are in close proximity to the Police Department building and can be summoned quickly 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.

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Sexual Assault Investigations

604.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults (Utah Code 53-25-201). These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

604.2 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 neurobiological 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.

604.3 DEFINITIONS

Definitions related to this policy include:

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 neurobiology 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.

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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.

604.4 PROCEDURES

604.4.1 INITIAL OFFICER RESPONSE

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

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(f) 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.

(g) The initial officer should attempt to locate, identify, and interview witnesses.

(h) The initial officer should attempt to identify suspect(s) and obtain contact information.

(i) If a victim desires, a victim advocate should be contacted as soon as possible to assist throughout the reporting and investigative process.

(j) 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.

604.4.2 EVIDENCE COLLECTION CONSIDERATIONS

(a) In conjunction with their supervisor and/or detectives, consideration should be made toward requesting assistance from the Forensics Section in processing crime scenes related to sexual assaults.

(b) 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:

1. Clothing worn at the time of the assault and immediately afterward.
2. Documentation of victim's and/or suspect's injuries, to include photographs.
3. In cases where a SANE exam is conducted, the SANE Nurse will document the victim's injuries during the exam.
4. On-scene photographs should also be taken as appropriate.

(c) 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.

(d) 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.

(e) 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.

(f) The sexual assault evidence kit (Code R Kit) shall be accepted from the SANE Nurse after it has been properly sealed and labeled.

1. The kit may contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible.

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2. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated.
3. Investigating officers or supervisors shall have access to the evidence refrigerator after regular business hours, on weekends, and on holidays.
4. The kit shall not be allowed to freeze or be exposed to heat, for example, by being placed near a car's interior heater.

604.4.3 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, and 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.

604.4.4 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, including recordings, shall be completed and entered into the official digital case file in a timely manner, and in sufficient detail as to appropriately document the details of the investigative activity.

604.5 VICTIM INTERVIEWS

(a) The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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(b) Whenever possible, a member of the SART should be included in the initial victim interviews.

(c) An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

(d) No opinion of whether the case is unfounded should be included in a report.

(e) Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Utah Code 77-37-202).

(f) Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance policy.

604.5.1 MEMBER RESPONSIBILITIES

A victim, or victim's designee, should be informed of applicable victim's rights, including the rights for victims of sexual offenses (Utah Code 77-37-3). Investigating members of the Department shall provide the victim, or the victim's designee, information in a timely manner as required by Utah Code 77-37-3 (e.g., DNA profile obtained, CODIS matches), including, if requested, any significant changes to the information.

604.5.2 NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION

When an officer arrests or issues a citation to a person 18 years of age or older for a qualifying sexual offense, the officer shall provide the individual with the written notice required by Utah Code 78B-7-802. Victims shall be provided notice in accordance with the Victim and Witness Assistance policy.

604.6 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 occur before the trauma-informed victim interview (TIVI) 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) A thorough and complete investigation shall be conducted. Investigators shall:

1. Remain patient and maintain an open mind while listening to the victim's account.
2. Remember that victim may struggle with gaps in memory.

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3. Avoid leading questions while conducting the interview, and use open-ended questions instead.
4. Use simple terminology appropriate to the victim's age and sophistication.
5. Avoid using jargon to include police, medical, or legal terms during the interview.

(b) Prior to initiating the interview, the officer/investigator should:

1. Review all available reports and evidence, or if such is not yet available, speak with responding officers, paramedics, dispatchers, etc.
2. 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.

1. The interview should take place in a "soft" interview room. Use the Children's Justice Center or Family Justice Center as appropriate.
2. Victims should be treated with empathy at all times and the investigator should express interest in the victim's well-being.
3. Inform the victim of the importance of full disclosure of everything the person is able to remember about what happened.

(e) During the interview, the investigator should use the TIVI protocol and abide by the protocol guidelines.

(f) At the conclusion of the TIVI interview, the investigator shall:

1. Ensure that the victim has the investigator's and victim advocate's contact information.
2. 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.
3. Encourage the victim to contact the investigator with any additional information or evidence.
4. 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.
5. Inform the victim about the next steps in the investigation.
6. Express appreciation for the victim's participation in the interview.
7. Ask the victim if she/he has any questions.

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604.7 PROTECTING THE VICTIM

(a) Throughout the investigation, officers shall protect the confidentiality of the victim's information to the maximum extent possible by law, policy, and ethics.

(b) In addition, victims should be provided information on the rights of crime victims.

(c) Explanation of how to contact police if harassed or intimidated by the suspect(s) should be given.

(d) 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.

604.8 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.

604.9 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.

604.9.1 DNA TEST RESULTS

(a) Members of the Department who are investigating sexual assault cases should ensure that a victim, or their designee, is notified of any DNA test results as soon as reasonably practicable (Utah Code 77-37-3).

(b) A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance policy.

(c) Department members who are investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

604.9.2 COLLECTION AND TESTING REQUIREMENTS

Members of the Department who are investigating sexual assaults or handling related evidence are required to:

(a) Notify the victim, or the victim's designee, if evidence will not be analyzed in a case involving an unknown perpetrator (Utah Code 77-37-3).

(b) Take possession of sexual assault kits within one business day after receiving notice from a collecting facility (Utah Code 53-10-904; Utah Code 53-10-907).

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1. The member taking possession of the kit should ensure that the required information is entered into the statewide sexual assault kit tracking system within five days of receiving the kit from a collection facility.

(c) Transfer the kit to the appropriate law enforcement agency within 10 days in cases where the incident occurred in another jurisdiction (Utah Code 53-10-904).

(d) Submit the kit to the Utah Bureau of Forensic Services within 30 days of obtaining possession of the kit except for cases involving restricted kits (Utah Code 53-10-904).

1. If available, a suspect standard or a consensual partner elimination standard shall be submitted with the sexual assault kit.
2. If not obtained until later, the standards shall be submitted as soon as possible but no later than 30 days after the Department obtained possession of the kit.
3. If the victim informs the West Valley City Police Department that the victim wants to have the kit processed and agrees to release of the sexual assault examination form with the kit, the kit may no longer be classified as restricted and shall be submitted to the Utah Bureau of Forensic Services as soon as possible, but no later than 30 days after the victim chooses to unrestrict the kit (Utah Code 53-10-904).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence policy.

604.10 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 that evidence will be 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.

(a) 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.

(b) Furthermore, injuries may be documented beyond that timeframe, especially if the victim is bleeding, experiencing pain, or still in the process of healing.

(c) 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.

604.11 FURTHER CONSIDERATIONS REGARDING FORENSIC EXAMINATIONS

- Ask the victim whether there is anyone who should be called or notified, and facilitate this contact.

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- 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.

604.12 COORDINATION WITH THE SEXUAL ASSAULT NURSE EXAMINER

(a) 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.

(b) 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.

(c) All evidence obtained from the SANE Nurse following the examination to include code R kits, clothing, etc. shall be promptly transferred to the Evidence Unit and properly booked under the related case number.

604.13 INVESTIGATIVE STRATEGY

(a) Investigators should attempt contact with the victim within 24 hours of being assigned the case. A victim advocate should be involved in this contact if possible.

1. 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.
2. 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.

(b) The TIVI interview should be conducted as soon as possible following the appropriate waiting period subsequent to the sexual assault.

1. The investigator should arrange for a victim 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.
2. 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.

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3. 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.
4. 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.
5. 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.

(c) 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. A victim 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.

(d) In addition to conducting a trauma-informed victim interview, the investigator should:

1. 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.
2. As appropriate, any victim medical records should be obtained with consent.
3. 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.
4. Ensure that all interviews of victims, witnesses, and suspects are properly documented. If applicable, obtain a copy of the 911 recording.
5. 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.
6. All cases involving an allegation of a sexual offense that include an identified suspect shall be screened with the appropriate prosecutor's office.

604.14 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.

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(a) 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.

(b) 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.

604.15 RESTRICTED REPORTS OF SEXUAL ASSAULT AND SEXUAL ASSAULT CODE-R KITS

(a) 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:

1. Interview with law enforcement and have a forensic medical exam.
2. Interview with law enforcement, have a medical exam by a medical provider, and decline the forensic exam.
3. Interview with law enforcement and decline any medical or forensic exam.
4. Have a forensic medical exam and decline an interview with law enforcement.

(b) 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 exam 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.

(c) All unrestricted 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. The supervisor of the Special Victim Unit shall be responsible for notifying the Forensics Section of any restricted code-R kits so as to ensure that such kits are not submitted to the crime lab for forensic processing.

(d) 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.

(e) 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 paperwork shall be placed in the SVU sergeant's box or in the investigations box in the report writing room. On Code R kits received

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from Wasatch Forensic Nurses, this paperwork will be submitted to the Department electronically. The SVU sergeant, as well as some SVU detectives and Forensics Section personnel will be able to access these documents electronically.

604.16 INTERVIEWING JUVENILE VICTIMS

For victims under the age of 18:

(a) 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 the 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.

(b) 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 numbers, email addresses, and parent information.

(c) A SVU detective will follow up and a forensic interview will be conducted with the juvenile. When obtaining the initial report, it is advisable that no further questions of the victim be conducted.

(d) 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.

(e) If the victim lives in a home where the alleged suspect also resides, the Special Victims detectives need to be notified.

(f) Do not allow the victim to return to a home or any place where the suspect is going to be.

(g) Document the case and forward the case number to the Special Victims Unit sergeant.

604.17 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) On investigations that require search warrants.

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(f) In 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 a call-out of detectives.

(g) The request for calling out a detective must be made through the on-call Investigations supervisor.

604.18 TRAINING

Department officers will receive at least one hour of training annually on this policy, sexual assault and sex abuse investigations, and/or trauma-informed and victim-centered interview techniques.

604.19 PUBLIC ACCESS

This policy shall be published on the Department website for public access (Utah Code 53-25-201).

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Asset Forfeiture

605.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture, and liquidation of property associated with specified designated offenses.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - Any item that is unlawful to produce or possess under state or federal law, including controlled substances possessed, transferred, or distributed in violation of Utah Code 58-37-101 et seq. or Utah Code 76-18-201 et seq. and computers used to commit crimes involving child sexual abuse material or identity theft (Utah Code 77-11a-101).

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 - Seized property that has been used to facilitate the commission of a federal or state offense and seized proceeds when authorized under Utah Code 77-11b-102 (Utah Code 77-11a-101).

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.

605.2 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 rights to due process.

It is the policy of the West Valley City Police Department that all Department members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

605.3 ASSET SEIZURE

Property and contraband may be seized for forfeiture as provided in this policy.

605.3.1 PROPERTY AND CONTRABAND SUBJECT TO SEIZURE

(a) Property and contraband that may be seized upon review and approval of a supervisor, and in coordination with the forfeiture reviewer, includes (Utah Code 77-11a-201):

1. Property subject to forfeiture that has been identified in a court order or is the subject of a prior judgment.

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2. Property and contraband subject to forfeiture that is seized upon the authority of a search or administrative warrant.

(b) Property and contraband subject to forfeiture can be lawfully seized without a court order when the seizure is incident to arrest, or when there is probable cause to believe:

1. It is directly or indirectly dangerous to health or safety.
2. It is evidence of an offense.
3. It has been used or was intended to be used to commit an offense.
4. It constitutes the proceeds of an offense.

(c) Whenever practicable, obtaining a court order for seizure prior to making a seizure is the preferred method.

(d) A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

605.3.2 PROPERTY NOT SUBJECT TO SEIZURE

Property that should not be seized for forfeiture includes (Utah Code 77-11b-102):

(a) Property that does not meet the forfeiture counsel's current minimum forfeiture guidelines.

(b) A motor vehicle used in a violation of driving under the influence of alcohol and/or drugs (Utah Code 41-6a-502); driving with any measurable controlled substance in the body (Utah Code 41-6a-517); negligently operating a vehicle resulting in injury (Utah Code 76-5-102.1); automobile homicide (Utah Code 76-5-207); 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 specified offense committed after May 12, 2009.
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 specified violations.

(c) Property used to facilitate specific crimes related to pornography or material harmful to children (Utah Code 76-5c-202; Utah Code 76-5c-204; Utah Code 76-5c-205; Utah Code 76-5c-305) if the seizure would constitute a prior restraint or interference with a person's rights under the First Amendment to the U.S. Constitution or the Utah Constitution.

(d) Property seized incident to an arrest solely for possession of a controlled substance or controlled substance analog under Utah Code 76-18-207 other than possession of 100 pounds or more of marijuana.

(e) Firearms belonging to an individual charged with possessing a firearm in a secure area of an airport if the individual may otherwise lawfully possess the firearm (Utah Code 76-11-218).

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605.3.3 SEIZED VEHICLES

Any vehicle that is identified as being the 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.
3. Photographs of the vehicle will be taken prior to impounding.
4. 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.
5. Note the condition of the vehicle, including all damage.

(c) 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. If property in the vehicle is booked in for seizure, it shall be processed as described in the policy regarding Processing Seized Property for Forfeiture.

(d) 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.

(e) 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,

(f) 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 to ensure that the Department's costs are

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recouped, and the remainder of the funds are distributed to the State and prosecuting attorney's office.

605.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE

(a) When property subject to this policy is seized, the officer making the seizure should ensure compliance with the following (Utah Code 77-11a-203):

1. Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If 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.
2. Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
3. Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

(b) 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.

(c) Photographs should be taken of items seized, particularly cash, jewelry, and other valuable items.

(d) Officers who suspect property may be subject to seizure but 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.

605.5 MAINTAINING SEIZED PROPERTY

The Evidence Unit 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 (Utah Code 77-11a-204).

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) Cash and other negotiable instruments are deposited into a restricted interest-bearing account designated solely for property subject to forfeiture within 30 days of seizure (Utah Code 77-11a-204).

(d) All property received for forfeiture is retained until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(e) Property received for forfeiture is not used by the Department unless the forfeiture action has been completed.

(f) Associated documentation complies with Utah Code 77-11a-203.

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605.5.1 IDENTIFICATION AND TRACKING OF SEIZED PROPERTY
The Evidence Unit supervisor shall identify and track all seized property in the same manner as booked evidence (see the Property and Evidence policy).

605.6 FORFEITURE REVIEWER

(a) 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 (Utah Code 77-11b-105).

(b) The responsibilities of the forfeiture reviewer include:

1. Remaining familiar with forfeiture laws, and the forfeiture policies of the forfeiture counsel.
2. Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
3. Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
4. Deciding whether the forfeiture is more appropriately made under state or federal forfeiture laws (Utah Code 77-11a-205). The forfeiture reviewer should contact federal authorities when appropriate.
5. Ensuring that responsibilities are clearly established whenever multiple agencies are cooperating in a forfeiture case.
6. 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:
    i. Names and contact information for all relevant persons and law enforcement officers involved.
    ii. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
    iii. A space for the signature of the person from whom property is being seized.
    iv. A tear-off portion or copy, which should be given to the person from whom 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.
    v. Any other information that may be needed to comply with Utah Code 77-11a-203.
7. 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, Daily

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Training Bulletins (DTBs), or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

8. Reviewing each asset forfeiture case to ensure that:
    i. Written documentation of the seizure and the items seized is in the case file.
    ii. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner (Utah Code 77-11b-201).
    iii. The notice of intent to seek forfeiture has been given in a timely manner to those who hold an interest in the seized property (Utah Code 77-11b-201).
        A. Prior to serving the notice, a search of public records shall be completed to identify the name and address of each interest holder of the property (Utah Code 77-11b-201).
    iv. Property is promptly released to those entitled to its return (Utah Code 77-11a-301; Utah Code 77-11a-304; Utah Code 77-11b-203).
    v. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
    vi. Any cash received is delivered to the Evidence Unit supervisor to be deposited.
    vii. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
    viii. Current minimum forfeiture thresholds are communicated appropriately to officers.
    ix. 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 (Utah Code 77-11a-203).
    x. Any records of a related interview of a child are retained pursuant to Utah Code 53-13-110.5.
    xi. The request for a forfeiture action has been presented to the forfeiture attorney as provided in Utah Code 77-11b-201.
9. Ensuring that the Department disposes of property as provided by law following any forfeiture (Utah Code 77-11b-401).
10. Ensuring this policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(c) 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.

(d) Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Utah Code 77-11b-404).

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(e) 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.

605.7 DISPOSITION OF FORFEITED PROPERTY

(a) No property seized shall be transferred, sold, or auctioned to an employee of this Department (Utah Code 77-11a-204).

(b) 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.

(c) 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 (Utah Code 77-11a-205). Such property may be used to fund crime prevention and law enforcement activities described in Utah Code 77-11b-403(10). 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 77-11b-403(11).

(d) Money received as a result of a federal forfeiture may only be used as approved by the City Council (Utah Code 77-11a-205).

605.8 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 (Utah Code 77-11b-306).

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Suspicious Activity Information Management

606.1 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.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

606.2 POLICY

The West Valley City Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

606.3 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.

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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.

606.4 REVIEW AND ASSIGNMENT PROCEDURES

(a) 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.

(b) The Chief of Police is advised of the activities of the Special Investigations Section by means of Watch Commander Logs and, if needed, through daily contact with the Deputy Chief over the Special Operations Bureau or his/her designee.

606.5 INVESTIGATION AND DISPOSITION

(a) **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.

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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.

(b) **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:
    (a) All original reports and related documentation will be forwarded to the Records Section.
    (b) The responsible supervisor will close out the case.

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Specialized Criminal Enforcement Units

607.1 ESTABLISHMENT OF SPECIALIZED CRIMINAL ENFORCEMENT UNITS

The West Valley City Police Department created proactive policing units to address criminal activity associated with drug trafficking, firearms offenses, vice related offenses, and fugitive apprehension. Since West Valley City's incorporation in 1980, as population has increased, the Department has experienced increased demand to address these criminal activities proactively. The Department adopted a targeted enforcement approach through specialized units in the Special Investigations Section.

607.1.1 CRIME REDUCTION UNIT (CRU)

The Crime Reduction Unit (CRU) is focused on narcotics and other vice related offenses within West Valley City.

607.1.2 SERIAL OFFENDER RESPONSE TEAM (SORT)

The Serial Offender Response Team (SORT) focuses on serial offenders and fugitive apprehension efforts, and conducts special projects as assigned by the Special Operations Bureau Deputy Chief.

607.2 SELECTION OF PERSONNEL

(a) Personnel shall be selected and assigned to a specialized unit based on experience, demonstrated interest in the unit's area of responsibility, disciplinary history, and overall fit with the unit.

(b) Assignment to a specialized unit has a tenure from three to five years, with the ultimate duration determined at the discretion of the Chief of Police.

607.3 TRAINING

Personnel assigned to a specialized criminal enforcement unit shall complete initial specialized training consisting of 50 hours of detective training prior to assuming unit duties. Personnel will also complete in-service training on a quarterly basis to maintain proficiency in the unit's area of responsibility.

607.4 SUPERVISORY RESPONSIBILITY

(a) Each specialized unit sergeant is responsible for the field supervision of assigned personnel, including:

1. planning and direction of unit activities;
2. training and mentoring of personnel; and
3. management of liability and risk associated with the unit's operations.

(b) Specialized unit sergeants shall ensure that responsibilities are clearly communicated to assigned personnel, and shall report to the Special Investigations Section Lieutenant on the unit's activities and any supervisory concerns.

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607.5 REPORTING

(a) Each specialized unit sergeant will submit a quarterly report to the Special Investigations Section Lieutenant and the Police Chief that lists the activities of the unit. The report shall include any unintended or unforeseen outcomes of the specialized unit's activities.

(b) Annually, each specialized unit sergeant will complete an administrative review that addresses:

1. the problems or conditions that led to formation of the unit;
2. the unit's impact on the problems or conditions; and
3. a recommendation as to whether the unit should continue its activities.

(c) On an annual basis, the Special Investigations Section Lieutenant shall submit a documented administrative review of the specialized criminal enforcement units and their personnel to the Chief of Police that includes:

1. Internal Affairs complaints;
2. use of force reports; and
3. vehicle pursuit reports.

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Covert Operations

608.1 PURPOSE

The purpose of this procedure is to create general guidelines to which all undercover operations must adhere. The adherence to established policies and procedures assists in securing the undercover agents' welfare, both physically and mentally, as well as enhancing the effectiveness of undercover operations. Only personnel who have been properly trained in undercover work will work in a covert capacity during operations.

It is a 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.

608.2 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, as outlined in West Valley City Police Department Policy 1014, 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 for undercover personnel involved in undercover transactions.

608.3 DECONFLICTION

Deconfliction is the process of determining when law enforcement personnel are conducting an event in close proximity to one another in order to avoid conflicts between agencies or officers, increase officer safety, and promote the exchange of information crucial to multi-jurisdictional 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 must abide by their policies.

(c) At a minimum, the required information will be provided:

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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, he or she 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 conducting an operation, the lead investigator, supervisor, or unit member 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 the operation will take place.

608.4 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 for or anticipating back up coverage, all personnel are directed to bear in mind that the safety and wellbeing of the involved undercover personnel is a 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.

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(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 the policy regarding 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 the Department policy regarding 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.

608.5 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 the Department policy regarding 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 the policy regarding Accounting and Fund Disbursement.

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608.6 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 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.

608.7 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.

608.8 SEARCH WARRANTS

(a) All covert operation personnel will comply with the search warrant guidelines identified in the Department policy regarding 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.

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(c) The service of search warrants will be audio/video recorded pursuant to West Valley City Police Department policy regarding Body Worn Cameras.

608.9 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.

608.10 EQUIPMENT FOR SURVEILLANCE AND UNDERCOVER ACTIVITIES

The Department will provide the equipment necessary to conduct surveillance and undercover activities.

(a) Such equipment requires special care and control. Consequently all special equipment utilized for surveillance and undercover operations will be stored securely or in a manner that prevents unauthorized use until deployed, and will be controlled through an equipment sign out sheet. Special equipment may be signed out for a long period, as 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:

    i. Electronic listening/recording equipment.

    ii. Surveillance vehicles.

    iii. Video cameras, recorders and players.

    iv. Vehicle location equipment.

    v. Specialized communication equipment.

    vi. 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 Special Operations Section supervisor.

2. If applicable to the installation, the Surveillance Equipment Technician will be trained and certified according to Occupational Safety and Health Administration (OSHA) requirements.

3. 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.

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4. The equipment and sign out sheet will be inspected quarterly by the Street Crimes Unit (SCU) supervisor. The SCU 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 Special Operations lieutenant, and forwarded to the Special Operations Bureau Chief.
5. 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.

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Confidential Informants

609.1 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 of the West Valley City Police Department and the officers utilizing informants, and to reduce liability, 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.

609.2 INFORMANT FILE SYSTEM

The Special Operations Section Lieutenant shall be solely responsible for the security and maintenance of the master Informant File System for the Department. As such, the Special Operations 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 Special Operations Section lieutenant has access. The Special Operations 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 for 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 Special Operations 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 Special Operations 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

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spoken to will be documented by the Special Operations 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 Special Operations Section 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.

609.2.1 FILE SYSTEM PROCEDURE

The Special Operations Section lieutenant 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.

609.3 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 is not limited to, at 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.

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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. Juvenile informants are 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.

609.3.1 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 or the juvenile's parent/guardian, whichever is applicable. The same confidential informant standards and procedures will apply to juvenile informants.

609.4 USE OF INFORMANTS

(a) 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 pitfalls and liability associated with handling informants, no officer shall manage an informant without first attending approved training in Informant Management.

(b) 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 to 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.

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(c) 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.

(d) 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.

(e) 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 Information & Intelligence Unit.

(f) 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.

(g) The use of persons who are 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 informant's file.

(h) 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.

(i) Details of the agreement will be be approved in writing by the unit supervisor before being finalized with the confidential informant.

609.4.1 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 through audio 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 who were present. Officers shall not accept gifts or gratuities from an informant at any time.

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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/or with informants whose sexual preferences may make an investigation more susceptible to compromise through alleged improprieties.

609.5 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 an accurate accounting of such funds requires a strict procedure for disbursements. All informants will be paid in accordance with the procedures outlined below regarding accounting and fund disbursement.

609.6 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of an officer, or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgment of receipt of the letter. The completed acknowledgment form and a copy of the letter shall be retained in the informant's file.

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609.7 ACCOUNTING AND FUND DISBURSEMENT

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 furthering an investigation.

609.7.1 EVIDENCE AND INFORMATION FUNDS

(a) 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.

1. 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.
2. These audits will be sent through the chain of command to the Deputy Chief of the Special Operations Bureau on a quarterly basis.

(b) At the discretion of the section lieutenant, the officers assigned to that section may be issued a predetermined amount of money for the purchase of information and/or physical evidence.

1. All payments must be pre-approved by the unit sergeant or section lieutenant prior to the disbursement of the funds.
2. Any and all expenditures over $500.00 but less than $1,000.00 for the purchase of information, and any and all expenditures over $1,500.00 but less than $2,000.00 utilized for the purchase of physical evidence will require pre-approval from the Bureau Chief.
3. Expenditures that exceed $1,000 for the purchase of information, or $2,000 for the purchase of evidence must be pre-approved by the Chief of Police.
4. A monthly audit of each officer's expenditures will be completed. All expenditures must be documented with a signed receipt, expense form, or CI payment form.

(c) 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.

(d) All funds received and disbursed will be recorded in a fund ledger 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, the officer receiving funds, the transaction amount, and the new balance.

(e) Each officer who has been issued funds will not mix Department-issued funds with their personal money. The officer 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 transactions, indicating amounts received, dates,

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to whom funds were disbursed, and the remaining balance. This record is also subject to inspection at any time by a unit or section supervisor or command staff.

(f) 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 Department-issued funds in a manner unauthorized by this policy, the officer will be subject to discipline.

(g) Whenever an informant is used on a controlled buy for any reason, the informant will be searched twice.

1. 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.
2. A first thorough search of the informant will be conducted by a designated officer and witnessed by another officer. This search will be to verify that the informant has no money, drugs, illegal items, or weapons of any kind in their possession.
    i. After the search, the officer will give any designated funds to the informant.
    ii. Prior to any disbursement, all money shall be copied, identified, recorded, and marked for identification by the case agent or designee.
3. The second search of the informant will be conducted as soon as possible after the transaction is completed. The purpose of the search is to retrieve all purchased evidence and remaining funds, and to further ensure that no other narcotics, money, illegal items, or weapons are found on the person.

609.7.2 PAYMENT PROCEDURE

The amount of funds to be paid to confidential informants will be determined by the appropriate section supervisor(s). The following criteria will be used to evaluate the amount of funds paid to an 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.

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609.7.3 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 use as undercover vehicles for a short time. Expenditures of this type must receive prior authorization from the section lieutenant.

Occasionally a situation may arise that requires an officer to follow a suspect out of the county. The officer may find it necessary to use funds 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 for all expenditures in this category.

During the course of investigations, it may be necessary to spend money for various things related to criminal activity, but which cannot be classified as physical evidence. These may include, but are not limited to, funds for hotels/motels, apartments, storefronts, and funds for undercover detectives. Receipts should be obtained whenever such documentation will not expose the undercover operative. When documentation of such expenses would risk exposing an undercover operative, approval of the section lieutenant is required prior to any expenditures.

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.

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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.

Double blind presentation – Neither the law enforcement official administering the identification procedure, nor the witness knows the suspect's identity.

Blinded presentation (The folder system) - The administrator may know who the suspect is but does not know which photograph is being viewed by the eyewitness.

610.2 POLICY

The West Valley City Police 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

Members 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 member 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.

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610.4 EYEWITNESS IDENTIFICATION PROCESS AND 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 should include appropriate forms or reports that 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 instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Members 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. Members 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.

The eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures. The witness’s level of confidence at the time of an initial identification shall be captured and documented verbatim.

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In general, the following should be considered and documented:

- Whether the witness had an adequate opportunity to observe the suspect committing the crime;
- Whether the witness's level of attention to the suspect committing the crime was impaired because of a weapon or any other distraction;
- Whether the witness had the capacity to observe the suspect committing the crime, including the physical and mental acuity to make the observation;
- Whether the witness was aware a crime was taking place and whether that awareness affected the witness's ability to perceive, remember, and relate it correctly;
- Whether a difference in race or ethnicity between the witness and suspect affected the identification;
- The length of time that passed between the witness's original observation and the time the witness identified the suspect;
- Any instance in which the witness either identified or failed to identify the suspect and whether this remained consistent thereafter; and
- Whether the witness was exposed to opinions, photographs, or any other information or influence that may have affected the independence of the witness in making the identification.

610.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case and a double-blind presentation should be used.

When this is not possible, the member presenting the photographic lineup must take the utmost care not to communicate the identity of the suspect in any way. This can be accomplished using a blinded presentation where the presenter shuffles folders containing the photographs, so the presenter does not know which photograph the witness is viewing.

- Live lineups should only be conducted with double-blind procedures.
- 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

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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 show-up or one-on-one 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) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up 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 subjects of the show-up one at a time.

(g) The person who is the subject of the show-up 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.

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.

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Eyewitness Identification

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.

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Brady Material Disclosure

611.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

611.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the West Valley City Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant, including potential impeachment information relating to the conduct of an officer who was involved in the arrest or investigation of the defendant (Utah Code 53-25-1001).

611.2 POLICY

The West Valley City Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the West Valley City Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

611.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material 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.

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611.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this Department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and Department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or Department counsel should be requested to file a motion in order to initiate an in-camera review by the court (Utah Code 63G-2-202(7)).

1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, 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 should 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.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

611.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility or dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (Utah Code 53-25-1003).

611.6 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

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611.6.1 DISCLOSURE TO PROSECUTING AGENCY

As soon as practicable after receiving a subpoena to testify in court by a prosecuting agency, an officer who has been placed onto a *Brady* identification system of a different prosecuting agency shall disclose that placement to the prosecuting agency that issued the subpoena (Utah Code 53-25-1003).

611.7 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Pawn Shop Holds

612.1 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.

612.2 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.

612.3 PROCEDURE

(a) 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. Subsequent extensions must be approved by a court order (Utah Code 13-32a-109).

(b) An officer may seize the held item when exigent circumstances exist or when necessary during the course of a criminal investigation. Items may also be seized (Utah Code 13-32a-109.5; Utah Code 13-32a-115(2)):

1. When seizure is necessary to permit the fingerprinting or chemical testing of the item.
2. If the item contains unique or sensitive personal identifying information.
3. For use as an exhibit at trial, as authorized by the prosecutor.

(c) A written hold or seizure notice shall be provided and shall include (Utah Code 13-32a-109.5):

1. An active case number.
2. The date of the hold or seizure request and the property to be held or seized.
3. Notice to the pawnbroker or secondhand business of contact information to allow tracking of the property when the prosecuting agency takes over the case.
4. If the property is seized, the reason the property is necessary during the course of a criminal investigation.

(d) If the pawnbroker or secondhand business is located outside of the jurisdiction of this Department, a copy of the hold notice shall be sent to the local law enforcement agency having jurisdiction (Utah Code 13-32a-109).

(e) 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 (Utah Code 13-32a-109).

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(f) 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:

1. 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.
2. The length of any holding period.

612.4 TERMINATION OF HOLD

(a) The evidence supervisor 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 and no original victim was located, the Department shall, within 15 business days after the termination (Utah Code 13-32a-109(7)):

1. Notify the pawnbroker or secondhand business in writing that the hold or seizure has been terminated.
2. 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.

(b) If an original victim was located, the release of the property shall only be made with the consent of the appropriate prosecutor and with notices made according to Utah Code 13-32a-109(8).

(c) 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 Department shall respond within 30 days in the manner prescribed by law (Utah Code 13-32a-109(9)).

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Cold Cases

613.1 PURPOSE AND SCOPE

To establish guidelines regarding the handling and investigation of cold case files.

613.2 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.

613.3 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.

613.4 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.

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613.5 RECORDING INVESTIGATIVE ACTIONS OR ACTIVITIES

Personnel will document all investigative actions taken in written reports and case management in the Department's Records Management System (RMS).

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Investigative Genetic Genealogy

614.1 PURPOSE AND SCOPE

This policy provides guidance for the use of investigative genetic genealogy (IGG) to generate investigative leads.

614.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphisms (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for IGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Investigative genetic genealogy (IGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-IGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in IGG.

614.2 POLICY

The West Valley City Police Department's use of investigative genetic genealogy (IGG) will be in coordination with prosecutors, the Medical Examiner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued.

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Members of the Department will take reasonable steps to maintain the integrity of the IGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

614.3 CRITERIA FOR IGG USE

Before using IGG, the lead investigator on a case should coordinate with the supervisor to determine whether the case meets the following requirements (Utah Code 53-10-403.7):

(a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) of a qualifying case is available for additional testing and is reasonably believed to be attributable to:

1. The perpetrator of an unsolved violent felony.
2. Unidentified human remains.
3. A missing or unknown individual.

(b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).

(c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

614.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of IGG, the lead investigator should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Medical Examiner.

614.4.1 CONSULTATION WITH PROSECUTOR AND BUREAU OF FORENSIC SERVICE

The lead investigator shall consult with the prosecuting attorney and the Utah Bureau of Forensic Services to determine whether IGG is appropriate and necessary before proceeding with IGG. The Department and the prosecuting agency shall agree to investigate relevant leads resulting from IGG (Utah Code 53-10-403.7).

614.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigator should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

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When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit IGG for the type of case being investigated (Utah Code 53-10-403.7). The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the IGG process the case no longer meets the criteria for IGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or genetic genealogist to cease any further analysis and return all evidence, data, and materials to the Department.

614.5.1 ADDITIONAL REQUIREMENTS FOR SUBMISSION

The lead investigator shall take steps to restrict IGG to genetic genealogy sites that provide appropriate notice to their users of possible law enforcement use, allow users to opt-out of having their data accessible to law enforcement, and have policies to prevent third-party access to the data concerning a victim, crime scene, or suspect (Utah Code 53-10-403.7).

614.6 ANALYSIS OF IGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the IGG process using traditional investigative methods, as appropriate, to:

(a) Eliminate an individual as a potential suspect in the case.

(b) Link an individual to the case as a potential suspect.

(c) Identify human remains.

614.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for IGG, consent from the third party should be obtained prior to collection (Utah Code 53-10-403.7).

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different (Utah Code 53-10-403.7).

The use of a third-party DNA sample shall be limited to the original underlying investigation.

614.8 POST-IDENTIFICATION

Department members shall not rely solely on IGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence

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independent of the IGG data to support an arrest, a potential suspect identified through IGG should not be arrested until the suspect's identity is confirmed (Utah Code 53-10-403.7).

Members shall not rely solely on IGG to identify human remains unless there is sufficient evidence independent of the IGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

(a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.

(b) If applicable, consult with the Medical Examiner for an amendment to a certificate of death.

614.9 PRIVACY CONSIDERATIONS

Department members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the IGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants, and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for Department records (Utah Code 53-10-403.7). The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the IGG process be returned to the Department.

614.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained for the minimum period established by law and destroyed once permitted by Utah law (Utah Code 53-10-403.7). The lead investigator should coordinate with the Evidence Supervisor/Technicians and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the IGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

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Facial Recognition Technology Use

615.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by the Department to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

615.1.1 DEFINITIONS

Definitions related to this policy include:

Biometric surveillance information - Information obtained through the digital monitoring of an area that is analyzed using FRT to determine an individual's identity or location based on their physical attributes or manner. (Utah Code 77-23d-102).

Facial recognition technology (FRT) - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

Government image database – A database maintained by the Department or another government entity of images captured during interactions with the Department or government entity. This does not include publicly available information (Utah Code 77-23e-102).

Probe image - A search image submitted to FRT for comparison with images contained within an image database.

615.2 POLICY

It is the policy of the West Valley City Police Department to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

615.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Department.

615.4 FRT COORDINATOR

The Chief of Police or the authorized designee shall appoint an FRT coordinator. The responsibilities of the FRT coordinator include:

(a) Establishing procedures for Department FRT use that conform to applicable laws, regulations, and best practices. Procedures should include:

1. A process for submitting and assessing officer requests to use FRT.
2. Requirements related to processing and reviewing results generated from the use of FRT.

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3. Requirements for complying with Utah Code 77-23e-105 prior to implementing new FRT systems (i.e., posting proper notice, accepting and reviewing public comments, posting final decisions).

(b) Establishing procedures for collecting, processing, and storing FRT data.

1. Procedures should include the management of biometric surveillance information (Utah Code 77-23d-106).

(c) Establishing procedures for access and security controls for Department FRT systems, services, and data.

1. Access levels should be no higher than necessary to accomplish organizational tasks, missions, or functions.

(d) Establishing procedures for submitting images to Department image databases. The procedures should include:

1. When and under what circumstances members are required to submit images.

2. Restrictions related to the use of images voluntarily provided to the Department by members of the public.

(e) Administering data quality assurance measures (e.g., probe image suitability, quality, integrity).

(f) Conducting periodic audits of Department FRT use.

1. The audit should include a review of FRT use, documentation of those uses, and confirmation of data purging, where appropriate.

2. The audit should include a review of the use of biometric surveillance information (Utah Code 77-23d-106).

(g) Confirming that authorized users have completed Department-approved FRT and forensic image comparison training prior to using FRT.

(h) Coordinating with the Training Unit sergeant to develop, identify, and update FRT training for officers who utilize the FRT system.

(i) Establishing and implementing a schedule for routine maintenance, upgrades, enhancements, testing, and refreshes of FRT for proper performance purposes.

(j) Establishing procedures for reporting errors, malfunctions, or deficiencies of FRT systems, services, or data.

(k) Coordinating with the information systems technology supervisor, Department counsel, and appropriate administrators to develop information-sharing procedures with outside agencies in accordance with state and federal law.

(l) Evaluating systems to verify that, in accordance with industry standards, FRT used on a government image database managed by the Department is secure, produced by a company that is currently in business, and makes comparisons using an algorithm that compares only facial biometric data (Utah Code 77-23e-103).

(m) Ensuring this policy is posted and publicly available on the Department website or the Utah Public Notice Website, as applicable (Utah Code 77-23d-106).

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615.5 AUTHORIZED USES OF FRT

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

(a) Unknown suspects where attempts at identification through other means have been exhausted or ineffective.

(b) Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material).

(c) Deceased individuals.

(d) Individuals who are incapacitated or do not know their identities.

(e) Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided).

(f) Suspects in unsolved crimes.

(g) Missing or endangered persons.

(h) Unknown individuals pursuant to any other legitimate law enforcement purpose.

615.5.1 AUTHORIZED USES OF FRT ON GOVERNMENT IMAGE DATABASE

FRT shall only be used on a government image database for the following purposes (Utah Code 77-23e-103):

(a) Investigating a felony, a violent crime, or a threat to human life.

(b) Identifying an individual who is:

1. Deceased.
2. Incapacitated.
3. At risk and otherwise unable to provide their identity.

615.6 REQUEST FOR AUTHORIZATION

An officer seeking authorization to conduct or request an FRT search shall submit a request to the appropriate supervisor consistent with Department procedures.

The request should, at a minimum, include the following:

(a) The nature of the investigation.

(b) The reason an officer believes that FRT use is necessary.

(c) An explanation of how FRT may assist with the development of investigative leads.

(d) A case identification number.

615.7 FRT SEARCHES

Following supervisor approval, the officer should proceed as follows:

(a) An officer seeking to have a probe image compared to images contained in a government image database shall submit the probe image and a written FRT request to a member of this Department who is trained and authorized to conduct FRT

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searches or to the government entity that maintains the database, as appropriate (Utah Code 77-23e-103).

(b) An officer seeking to have a probe image compared to images contained in a database maintained by the Department of Public Safety shall submit the probe image and FRT request through the Utah Criminal Justice Information System (Utah Code 77-23e-104).

(c) For all other FRT use, an officer should submit a probe image for comparison consistent with Department procedures.

(d) Officers shall only submit lawfully obtained probe images.

Only members authorized by the Department may conduct FRT searches. Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by a member trained in FRT.

615.7.1 FRT SEARCH OF GOVERNMENT DATABASE

An FRT search on a government image database maintained by the Department shall only be conducted upon receipt of a written request from an officer of this Department or from another law enforcement agency. The request shall include (Utah Code 77-23e-103):

(a) The authorized purpose for which the request is made.

(b) The case identification number.

(c) If applicable, a statement of the specific crime being investigated and a factual narrative to support that there is a fair probability that the individual who is the subject of the request is connected to the crime.

Before providing results to the requesting officer or entity, the results should be verified and reviewed according to Utah Code 77-23e-103. No search results other than a probable match agreed upon by at least two authorized members shall be provided in response to a request for FRT (Utah Code 77-23e-103).

615.7.2 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

615.7.3 FRT SEARCH DOCUMENTATION

The investigating officer shall document all FRT searches in the appropriate Department report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

(a) The requesting officer's name and position.

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(b) Confirmation that the search was pre-approved pursuant to Department procedures.

(c) The purpose of the search.

(d) The search parameters, if any.

(e) The date and time of the search.

(f) A list of any image databases searched.

(g) The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.

1. This includes information received indicating an FRT search produced no results (Utah Code 77-23e-103).

(h) The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

(i) A description of how the facial recognition comparison was used in the investigation (Utah Code 77-23e-103).

615.8 PRIVACY CONSIDERATIONS

The Department shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Officers shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

615.8.1 NOTICE OF POTENTIAL FRT USE

When capturing an image of an individual during an interaction with the Department, the individual shall be notified that their image may be used in conjunction with FRT (Utah Code 77-23e-105).

615.8.2 BIOMETRIC SURVEILLANCE INFORMATION

Biometric surveillance information shall only be obtained as follows (Utah Code 77-23d-106):

(a) In accordance with a search warrant.

(b) On authorized property, as defined by Utah Code 77-23d-102.

(c) In accordance with a judicially recognized exception to warrant requirements.

(d) When there is a documented reasonable articulable suspicion that a specific individual has threatened to commit a violent felony toward a person, group of people, or place, or to commit an offense of threat of violence under Utah Code 76-5-107.

615.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

(a) For the arrest of individuals based solely on FRT results.

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(b) For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.

(c) For any non-law enforcement purpose.

(d) As the sole basis for identification to establish probable cause in a criminal investigation.

(e) To harass or intimidate any individual or group.

(f) In any other manner that would violate applicable law, regulation, or policy.

(g) On a government image database to investigate civil immigration violations (Utah Code 77-23e-103).

No officer shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

615.10 RELEASE OF FRT DATA

Data related to FRT use on a government image database is not subject to the Government Records Access and Management Act and shall not be disclosed except as required by law or court order (Utah Code 77-23e-106).

All other FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

615.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

615.12 DOCUMENTATION

Members conducting FRT searches on a government image database maintained by the Department should document FRT data in a way that facilitates statistical reporting required by Utah Code 77-23e-106 (see the Records Section Policy).

615.13 TRAINING

(a) Officers whose duties may require the use of FRT should receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following (Utah Code 77-23e-102):

1. Capabilities and limitations of FRT.
2. FRT system functions and interpretation of results.
3. Data security and privacy concerns.
4. Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests).

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5. Digital media handling and protections.
6. Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching).
7. Principles of comparison.
8. Cognitive bias, confirmation bias, implicit bias, and automation bias.
9. Applicable policy, procedure, and federal and state law requirements.

(b) An officer who uses mobile facial recognition shall receive additional training appropriate to that application of the technology.

(c) The FRT coordinator shall maintain a record of each authorized officer's training and acknowledgement of this policy.

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School Resource Officers

616.1 PURPOSE AND SCOPE

This policy describes the West Valley City Police Department School Resource Officer (SRO) program (Utah Code 53-10-117).

616.2 POLICY

The West Valley City Police Department is committed to enhancing the safety of students and faculty at Granger High School by forming a partnership with school administrators, faculty members, and students.

616.3 SCHOOL RESOURCE OFFICER PROGRAM

The Chief of Police will appoint two (2) SROs to serve Granger High School upon interlocal agreement with the Granite School District, the Local Education Agency (LEA). The agreement shall include all provisions required by Utah Code 53G-8-703.

616.3.1 INTERLOCAL COOPERATION AGREEMENT

See attachment: Granite School Dist SRO Interlocal Agr 2025.pdf

616.4 SCHOOL RESOURCE OFFICER DUTIES

The general duties and responsibilities of SROs include (Utah Code 53G-8-703):

(a) Providing for and maintaining a safe, healthy, and productive learning environment in a school.

(b) Acting as a positive role model to students.

(c) Working to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA.

(d) Emphasizing the use of restorative approaches to address negative behavior.

(e) Teaching a vocational law enforcement class at the request of the LEA.

616.4.1 CHAIN OF COMMAND AND INTERNAL REPORTING

SROs should follow the chain of command and internal reporting requirements established by the Department and the contract between the West Valley City Police Department and the LEA (Utah Code 53G-8-703).

616.4.2 DEPARTMENT POLICY AND PROCEDURES

All policies and procedures of the West Valley City Police Department, including the Use of Force, Handcuffing and Restraints, and Search and Seizure policies, are applicable to members serving as an SRO.

616.5 SCHOOL RESOURCE OFFICER QUALIFICATIONS

Members appointed as SROs should be selected using criteria that includes but is not limited to:

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(a) The ability of the appointee to foster an optimal learning environment and educational community.

(b) Whether the candidate has specialized training in:

1. Child and adolescent development.
2. De-escalation and conflict resolution techniques with children and adolescents.
3. Behavioral health disorders in children and adolescents.
4. Alternatives to arrest and other juvenile justice diversion strategies.
5. Behavioral threat assessment methods.

616.6 TRAINING

Prior to assignment as an SRO, officers shall complete all training required by the contract (Utah Code 53G-8-703).

Members serving as an SRO shall attend the annual School Safety and Security Training Program (UAC R277-400-10).

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of Department-owned property and the role of the Department when personal property, the property of another, or Department-owned property is damaged or lost.

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 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.

(h) 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.

(i) All stored, unassigned Department Property will be maintained in a state of operational readiness by the Training Section lieutenant.

700.2.1 ALTERATIONS TO DEPARTMENT 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.

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(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 DENIAL OF REIMBURSEMENT

Reimbursement may be denied if:

(a) The damage was caused by the fault or negligence of the employee.

(b) The loss was caused by the negligence or fault of the employee.

(c) The item is jewelry (except watches).

(d) The employee does not file a claim within the required time period.

(e) The employee may be entitled to reimbursement from other sources (e.g. insurance or court-ordered restitution). If Department restitution has been approved and paid, any insurance or court-ordered restitution payments that are later recovered will revert to the Department, up to the amount paid by the Department.

(f) The employee's claim is denied.

700.3.2 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report in the form of an IDC (Intradepartmental Correspondence) 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.

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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 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

Members of the Department who intentionally or unintentionally damage, or cause to be damaged, the real or personal property of another person or entity while performing any law enforcement function shall promptly report the damage through the member's chain of command.

700.4.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of West Valley City or of another person while performing their duties within the jurisdiction of this Department. The Department member present, or the member responsible for the property, shall report the damage as follows:

(a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off duty or as otherwise directed by the supervisor.

700.4.2 PROPERTY INVENTORY

All Property Inventory lists should be updated at least annually or as needed.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded 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 telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

701.2 POLICY

The West Valley City Police Department allows members to utilize Department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on or off duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through Department PCDs or networks (see the Information Technology Use policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally-owned PCD for Department-related business or when the use reasonably implicates work-related misconduct.

701.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone

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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 cause.

701.5 PERSONALLY OWNED PCD

Members may carry a personally-owned PCD while on duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally-owned PCD.

(c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by Department procedures.

1. Use of a personally-owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
2. Use of and data within a personally-owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
3. Searches of a personally-owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

(e) The device shall not be utilized to record or disclose any Department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) If the PCD is carried on duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally-owned PCD should be transferred to the West Valley City Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally-owned PCD while off duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in Department business-related communications. Should members engage in such approved off-

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duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members 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 recordkeeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct Department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(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). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications 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) Members are prohibited from taking pictures, audio or video recordings, 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 requires express authorization of the Chief of Police or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official Department business. This restriction does not apply to a personally owned PCD used during authorized break times.

(g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

    1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

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2. Before conducting any administrative search of a member's personally-owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 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 to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members 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 (Utah Code 41-6a-1716). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members 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, members shall conduct sensitive or private communications on a land-based or other Department communications network.

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Vehicle Maintenance

702.1 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.

702.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative 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.

702.2.1 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect their assigned vehicles at the beginning of their shift and ensure that the equipment which has been assigned to them through their employee profile in LEFTA is present in the vehicle, including at a minimum:

- First Aid Supplies
- Traffic Safety Vest
- Evidence Collection / Fingerprint Kit
- Blanket
- Crime Scene Barricade Tape
- Traffic Cone (if issued)

If officers discover items of equipment are missing or in need of replacement, officers will utilize the equipment replacement process specified below.

702.3.2 EQUIPMENT REPLACEMENT

(a) Officers should request resupply of consumable items such as NARCAN, gloves and PPE, printer paper, etc. through an informal request to the on-duty sergeant, who will resupply officers with these items from the Briefing Room supply closet.

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(b) Limited-supply items such as Portable Breath Testers (PBTs, Radar/LIDAR, and Tire Spikes will be issued as inventory allows by the Training Unit or by an employee's supervisor, and tracked in LEFTA.

(c) When a limited-supply item assigned to an officer is in need of repair or replacement, officers will make a request of the appropriate City department or division as directed by their supervisor.

(d) Supervisors shall document damage to, or loss of, an employee's assigned equipment in LEFTA using the Issued Equipment list, and the process outlined in the Personnel Complaints policy as appropriate.

702.4 REQUIRED VEHICLE SERVICE AND MAINTENANCE

Assigned vehicle maintenance procedures:

(a) 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.

(b) An employee who is assigned a vehicle will refrain from:

1. Altering the body, general design, appearance, or markings of the vehicle.
2. Using fuel, oil, lubricants, or other additives in the vehicle other than those recommended by city shop personnel.
3. Affixing any unauthorized stickers, decals, or placards to any portion of the vehicle.

(c) 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.

(d) 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.

(e) All fluid levels will be checked at least once a month by the assigned employee.

(f) Officers will be provided replacement vehicles subject to availability.

(g) Failure to follow the above procedures may result in discipline and/or loss of assigned vehicle driving privileges.

702.5 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

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702.6 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.

702.7 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 lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

703.1 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.

703.2 USE OF VEHICLES

703.2.1 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

703.2.2 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 passengers in their vehicles.

703.2.3 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. City-owned vehicles shall be secured and turned off whenever they are parked and unattended. Canine handlers will follow their policy regarding unattended vehicles. Idling should be managed prudently so as to not be excessive.

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.

703.2.4 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member of this Department should be inspected prior to placing another person in the vehicle, and again after the person is removed. This is to ensure that no unauthorized or personal items have been left in the vehicle.

703.3 ASSIGNED VEHICLE PROGRAM

The purpose of this policy 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 whether the vehicle is marked or unmarked.

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(a) 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:

1. To provide enhanced police service to the community.
2. To decrease maintenance resulting in long-term cost savings.
3. To provide a privilege to those officers assigned a police vehicle.

703.3.1 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.

703.3.2 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.

703.3.3 ASSIGNED VEHICLE PROCEDURE

Administration.

(a) 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.

(b) 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.

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(c) 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.

(d) Section commanders will ensure that employee activities involving this program are monitored and that any indiscretions are investigated.

(e) 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.

(f) 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.

(g) 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.

Eligibility.

(a) 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.

(b) An employee may be determined to be 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.

(c) Eligibility for the Assigned Take-Home Vehicle Program, in and of itself, does not guarantee assignment of a vehicle nor are eligible employees required to participate in the program.

Vehicle Assignment.

(a) Assigned Take-Home Vehicles shall be assigned or 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 when an employee is assigned a vehicle, and anytime an employee 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:

1. No reimbursement is required of employees who reside within the boundaries of West Valley City.
2. Reimbursement is required of employees living outside of West Valley City boundaries. Reimbursement will be determined by City policy.

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Restrictions on Assigned Vehicles.

(a) Assigned Take-Home Vehicles will only be operated by authorized personnel, with the exception of City vehicle maintenance personnel performing required services.

(b) During off-duty hours, assigned Take-Home Vehicle use will be limited to:

1. Personal use to, from and within the corporate limits of West Valley City.
2. Travel directly to and from work.
3. Attending court.
4. Official City functions.
5. Other functions specifically authorized by the Chief of Police.
6. Other than the aforementioned uses, personal use of the vehicle outside the boundaries of West Valley City is prohibited without written approval from the Chief of Police and the City Manager, or his/her designee.

(c) Officers utilizing an Assigned Take-Home Vehicle are not entitled to claim compensation for travel to and from work.

(d) Officers on temporary modified duty status will not operate Police Vehicles without the approval of the officer's Section commander.

(e) 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.

(f) 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.

(g) Seat Belts shall be worn by all occupants of the police vehicle at all times while the vehicle is being operated.

(h) During extended absences, officers may store their Assigned Vehicle at their residence in a secured garage unless directed otherwise by the Section commander.

(i) An officer on disciplinary suspension shall automatically lose the Assigned Take-Home Vehicle privileges for the duration of the suspension. The officer will turn in the vehicle to the Section commander.

(j) 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.

(k) 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

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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.

(l) Immediate family members may be allowed to ride in the Assigned Police Vehicle when the officer is off duty under the following conditions:

1. Immediate family members shall only include the officer's spouse, child or children, or other dependents.
2. Officers should not respond to emergency calls when family members are in the vehicle.
3. 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.
4. All state laws, including those regarding the use of car seats for infants and children and seat belts for passengers, will be strictly followed.

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, in a manner that will not cause unfavorable comment or discredit to the Department or City and will 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.

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(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) 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.

(i) 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.

703.4 SECURITY AND UNATTENDED VEHICLES

Employees may take home City-owned vehicles in accordance with the previous section.

(a) Off-street parking shall be available at the employee's residence.

(b) Vehicles shall be locked and turned off 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 Firearms policy 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.

703.4.1 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.

703.5 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.

703.6 MAINTENANCE

Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.

(a) Employees may use the wash racks at the maintenance/shops.

(b) Cleaning/maintenance supplies may be provided by the shops.

Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

(a) Supervisors shall inspect the vehicles assigned to employees under their command, in accordance with the directive given by their Bureau Deputy Chief, to ensure the vehicles are being maintained in accordance with this policy.

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(b) Routine maintenance and oil changes shall be done in accordance with the City 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 Shop maintenance supervisor.

703.6.1 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.

703.7 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 a review of the vehicle collision or damage using the Department's vehicle damage reporting software.

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.

703.8 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.

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Personal Protective Equipment

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The West Valley City Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

704.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed industry standards for use at firing ranges (29 CFR 1910.95; UAC R614-1-4).

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Training Unit sergeant shall ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133;UAC R614-1-4).

704.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided.

704.7 RESPIRATORY PROTECTION

The Administrative Services Bureau Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; UAC R614-1-4):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

704.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; UAC R614-1-4):

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(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

704.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; UAC R614-1-4):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

704.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; UAC R614-1-4).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

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704.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

704.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; UAC R614-1-4).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; UAC R614-1-4):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

704.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134;UAC R614-1-4):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

704.8 RECORDS

The Training Unit sergeant is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

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(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020 and UAC R614-1-4.

704.9 TRAINING

Employees should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; UAC R614-1-4).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; UAC R614-1-4).

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Special Purpose Vehicles

705.1 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.

705.2 MOBILE COMMAND POSTS

The Department has Mobile Command Posts which are designed to respond to long-term response, or critical incidents.

(a) The Mobile Command Posts bring a number of resources to the scene including, radios, telephones, a climate-controlled environment and rest facilities.

(b) Operational readiness will be maintained by the Community Services Section Lieutenant.

(c) Control and deployment will be the responsibility of the on-duty Watch Commander from the Operations Bureau, the Lieutenant assigned to the Special Investigations Section or any one of the Deputy Chiefs.

(d) 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.

705.3 MOTORCYCLES

(a) 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.

(b) Motorcycles shall only be used when roadway and weather conditions allow for safe operation.

(c) Street motorcycles are deployed for the primary purpose of traffic enforcement. The Traffic Unit Sergeant is responsible for the control and deployment of the street motorcycles.

705.4 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.

(a) 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.

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(b) The Sergeant assigned to the Community Oriented Policing Unit is responsible for the control and deployment of the Department bicycles.

705.5 CRISIS RESPONSE TEAM VEHICLES

The SWAT team is assigned specialty vehicles that include a SWAT Van, an Armored Rescue Vehicle, a Response Van, and an Armored Humvee.

(a) The SWAT Van is a truck containing equipment and resources for SWAT personnel serving on the SWAT team.

1. 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.
2. 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.
3. The SWAT Van is equipped with specialized breaching tools, less than lethal munitions, noise sound flash devices, ballistic shields, munition launchers and ladders, and room clearing camera equipment.
4. The SWAT Commander will assign those SWAT team members who are authorized to operate the van when responding to an incident or training site.

(b) 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.

1. SWAT team members assigned to operate the Armored Rescue Vehicle will have a working knowledge of its capabilities and limitations prior to driving it.
2. 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, and police radios.
3. The SWAT Commander will assign those SWAT team members who are authorized to operate the Armored Rescue Vehicle when responding to an incident or training site.

(c) The Response Van is a vehicle specially designed to accommodate hostage negotiators and be a mobile command post for any incident.

1. Personnel assigned to operate the Response Van will have a working knowledge of its capabilities and limitations prior to driving it.
2. The Response Van is equipped with computers, throw phone communications and police radios.

(d) The Armored Humvee 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

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during the execution of high-risk search warrants, and during other high-risk situations such as barricaded suspects.

1. SWAT team members assigned to operate the Armored Humvee will have a working knowledge of its capabilities and limitations prior to driving it.
2. The Armored Humvee is equipped with first aid/medical equipment, breaching explosives, police radio and other devices as needed.
3. The SWAT Commander will assign those SWAT team members who are authorized to operate the Armored Humvee when responding to an incident or training site.

(e) The SWAT Commander will ensure that the SWAT Van, Armored Humvee, Response Van and the Armored Rescue Vehicle are operationally ready, and will be responsible for the control and deployment of these vehicles.

1. He/she will ensure that, prior to any employee operating any 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.

705.6 ALL-TERRAIN VEHICLES

The Department has All-Terrain Vehicles (ATVs that are used during special events and special investigations.

(a) Department personnel should complete a basic training familiarization before operating an ATV.

(b) No Department employee will operate the ATVs without proper safety equipment to include at a minimum a D.O.T approved helmet.

(c) In the event that another officer or a civilian needs to be transported, they will also be required to wear a D.O.T approved helmet.

(d) Any officer or civilian operating or riding as a passenger an ATV shall, at a minimum, use the provided safety restraints.

(e) Officers will demonstrate to their supervisor's satisfaction their ability to safely operate an ATV.

(f) The Community Services Section Lieutenant is responsible to ensure that the ATVs are operationally ready and is also responsible for the control and deployment of the ATVs.

705.7 DUALLY TRUCK

The dually truck is used to haul the Department's bigger trailers.

(a) The truck is generally attached to the Command Post but can also be used to tow other Department trailers.

(b) 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.

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(c) The dually truck is controlled and managed by the Community Services Section Lieutenant.

705.8 TRAILERS

The Department operates several trailers.The following is a list of such trailers and their functions:

705.8.1 COMMAND POST

The Command Post is designed to respond to long-term, or critical incidents.

(a) The Command Post brings a number of resources to the scene including, radios, telephones, a climate-controlled environment and rest facilities.

(b) Those officers assigned to tow the Command Post will demonstrate to their supervisor's satisfaction their ability to safely tow a trailer.

(c) The Command Post is controlled and managed by the Investigations Section Lieutenant.

705.8.2 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.

(a) Those officers assigned to tow the Firearms Trailer will demonstrate to their supervisor's satisfaction their ability to safely tow a trailer.

(b) The Firearms Trailer is equipped with tables, chairs, targets, an awning and a portable sound system with a loud speaker.

(c) The Firearms Trailer will be managed by the Training Section Lieutenant.

705.8.3 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.

(a) Those officers assigned to tow the Radar Trailer will demonstrate to their supervisor's satisfaction their ability to safely tow a trailer.

(b) The Traffic Sergeant is responsible to ensure training is provided to personnel deploying radar trailers.

(c) The Traffic Unit Sergeant coordinates the deployment of the radar trailer.

705.8.4 TRAFFIC TRAILERS

The Traffic Trailers are used to transport Department motorcycles over long distances and during inclement weather.

(a) Those officers assigned to tow the Traffic Trailer will demonstrate to their supervisor's satisfaction their ability to safely tow a trailer.

(b) The Traffic Unit Sergeant is responsible for the control and deployment of the Traffic Trailers.

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705.9 THREE WHEEL SCOOTERS

The Department has scooters that are primarily used in the Valley Fair Mall and can be used for other large events.

(a) Those officers assigned to use a scooter will demonstrate to their supervisor's satisfaction their ability to safely operate one.

(b) The scooters are equipped with basic police lights and a siren.

(c) The Community Oriented Policing Unit Sergeant is responsible for the control and deployment of the scooters.

705.10 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.

(a) 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.

(b) The Special Investigations Section Lieutenant is responsible for the control and deployment of the camera truck.

705.11 UNDERCOVER SURVEILLANCE VAN

The Department maintains a specially designed van that is used primarily in undercover situations.

(a) Only officers assigned to the Special Investigations Section will operate the Surveillance Van.

(b) The Surveillance Van is equipped with specialized video surveillance equipment.

(c) The Special Investigations Section Lieutenant is responsible for the control and deployment of the Surveillance Van.

705.12 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.

(a) The Deputy Chief in charge of the Special Operations Bureau will designate officers authorized to operate the undercover vehicles.

(b) Except in an emergency, uniformed officers will not operate these vehicles.

(c) The Special Investigations Section Lieutenant is responsible for the maintenance and operational readiness of the undercover vehicles.

705.13 DETAINEE TRANSPORT VAN

The Department's Detainee Transport Vehicle is intended to be utilized when multiple detainees are to be transported that would otherwise tie up several patrol vehicles.

(a) Any sworn officer can operate this vehicle when requested by a supervisor.

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(b) The officer designated to operate the Detainee Transport Vehicle does not require any other qualifications other than a valid driver's license and no specialized training is required.

(c) The Community Services Section Lieutenant is responsible for ensuring this vehicle is maintained in a state of operational readiness. No special equipment is maintained in this vehicle.

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Chapter 8 - Support Services

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Crime Analysis/Real Time Crime Center (RTCC)

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, 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 (BCI).

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.

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- 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.

800.6 REAL TIME CRIME CENTER (RTCC)

800.6.1 POLICY

The West Valley City Police Real Time Crime Center (RTCC) will leverage technology to assist patrol and investigative units during the initial stages of response and through the preliminary investigation of priority calls and significant events. The RTCC also conducts proactive monitoring of available resources to aid in the prevention of crime and assess the need to deploy additional resources.

800.6.2 DUTIES, RESPONSIBILITIES, AND ACCOUNTABILITIES

800.6.3 SUPERVISOR

The RTCC Supervisor will:

(a) Provide overall leadership and supervision through coaching and counseling.

(b) Work to maintain a team philosophy and an open line of communication between the members of the unit as well as other divisions within the West Valley City Police Department.

(c) Complete administrative duties related to, and ensure compliance with, Department rules, regulations, procedures, and directives.

(d) On a case-by-case basis, assign analysts to cover critical and special events.

800.6.4 RTCC ANALYSTS

RTCC analysts will:

(a) Possess or develop a strong understanding of available resources including, but not limited to, technology that can be utilized to impact crime, the skills to analyze those resources and obtain needed information from them, and the ability to communicate that information to the Department personnel best able to use that information for proactive enforcement and criminal investigative purposes.

(b) Support priority calls for service and significant events by conducting real-time analysis of available technological resources and extracting information from them. RTCC analysts will determine the value of the information obtained and how that information should be disseminated.

(c) Gain and maintain an overall understanding of significant crime trends across the Department's jurisdiction.

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(d) Conduct proactive monitoring of available technological resources and report relevant useable information derived from those resources in an accurate,timely, and ongoing manner to better enable the WVCPD to impact crime.

(e) Maintain an open line of communication between the RTCC and other WVCPD divisions.

800.6.5 OPERATIONAL PROCEDURES

The RTCC will support patrol and investigative units by utilizing available technology and information systems to offer situational awareness to sworn employees as they respond to various calls for service, as well as investigative support during the initial investigation.

(a) Investigative Support

1. Calls for Service. In response to calls for service, RTCC analysts are responsible for the following:
    (a) Monitoring for relevant incidents;
    (b) Switching to the appropriate radio channel as needed;
    (c) Monitoring call comments and related radio traffic;
    (d) Checking assets/resources/databases; and
    (e) Reporting any findings to responding and/or investigating officers.
2. Public Events and Large Crowds. Examples of public events and large crowds include, but are not limited to, sporting events, street festivals, and outdoor concerts. The RTCC will utilize available technological resources near relevant events to look for suspicious activity leading up to and during the event, and report any activity as soon as possible and/or practicable to appropriate employees.
3. Special Operations. Examples of special operations include, but are not limited to, joint operations involving multiple agencies, pre-planned executions of arrest and/or search warrants, and command center video support.
4. Call-Out. Analysts will be subject to call-out. Compensation will be in accordance with policy.

(b) Camera Assets. The RTCC has access to live and recorded video via a video management system fed from various sources. In addition, the RTCC has access to rapid deployment cameras to assist in locations not otherwise covered by static resources.

1. A legitimate law enforcement purpose is required to use or review video recordings that are accessible to, and are the responsibility of, the RTCC.
2. Based on crime trends or active crime series, RTCC analysts may monitor relevant cameras for suspicious or related activity.
3. RTCC analysts will periodically check for camera positioning, needed camera maintenance or repair, and opportune locations for potential placement of rapid deployment cameras.

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(c) ALPR Systems. RTCC employees will:

1. Follow the policies and procedures listed in the Automated License Plate Reader (ALPR) Policy and SOP.
2. Monitor the ALPR system and address alerts that are initiated when appropriate.
3. Enter license plate numbers into the designated ALPR system hotlist when requested and when requests meet unit criteria.
4. Monitor the vehicle entries and communicate with those who create entries to verify the information is current and still active.
5. Video surveillance in public areas will be conducted legally and ethically while recognizing and protecting constitutional privacy standards.

(d) Evidence Retention and Video Disclosure.

1. RTCC analysts will retain electronic evidence collected and disclose such evidence per federal and state laws, and Department policy.
2. The Traffic Unit will have the authority to seek and retain video associated with accident investigations that fall within their scope of work. No other accidents will be retained and saved unless authorized by a member of the Traffic Unit.
3. In instances where a request for electronic evidence is received that does not meet the criteria of being for a law enforcement purpose and is not related to the civil liability of the City of West Valley (e.g., civil matters related to automobile accidents), the complainant must have a court order before RTCC personnel will begin a search or retain electronic evidence. No footage will be released absent the appropriate legal process.

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Dispatch

801.1 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.

801.2 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 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.

801.3 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

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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 WV - (West Valley), 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 call out as "West Valley" with their call sign or 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.

801.4 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.

801.4.1 SHIFT COMMANDER/SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Shift Commander/ Supervisor. The Shift Commander/Supervisor is directly responsible to the Patrol Bureau Commander or the authorized designee.

The responsibilities of the Shift Commander/Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records.

(c) Supervising, training and evaluating dispatchers.

(d) Ensuring the radio and telephone recording system is operational.

    (a) Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Processing requests for copies of Dispatch information for release.

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(f) Maintaining Dispatch database systems.

(g) Maintaining and updating Dispatch procedures manual.

(a) Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

(b) Ensuring dispatcher compliance with established policies and procedures.

(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints policy.

(i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

801.4.2 ADDITIONAL PROCEDURES

The Shift Commander/Supervisor should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of field members and safety check intervals.

(f) Emergency Medical Dispatch (EMD) instructions.

1. Only dispatchers trained in EMD are authorized to give first aid instruction over the telephone or radio.

2. Dispatchers trained in EMD shall have immediate access to approved emergency medical guidelines.

(g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(i) Protection of radio transmission lines, antennas, and power sources for Dispatch (e.g., security cameras, fences).

(j) Handling silent and hang-up calls.

(k) Handling private security alarms, if applicable.

(l) Radio interoperability issues.

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801.4.3 DISPATCHERS

Dispatchers report to the Shift Commander/Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:
    (a) Emergency 9-1-1 lines.
    (b) Business telephone lines.
    (c) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
    (d) Radio communications with Department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
    (e) Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of Department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through Dispatch, Department and other law enforcement database systems (e.g., Department of Motor Vehicle (DMV) records, the Utah Criminal Justice Information System (UCJIS) and NCIC).

(d) Monitoring Department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
    1. Vehicle pursuits.
    2. Foot pursuits.
    3. Assignment of emergency response.

801.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

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If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

801.5.1 MISDIRECTED CALL PROCEDURES

The Shift Commander/Supervisor should ensure that all dispatchers are aware of the following procedures for handling misdirected emergency calls:

(a) If a call is received for an emergency service that this Department does not provide or that is outside this Department's jurisdiction, the dispatcher receiving the call should do one of the following, depending on the nature of the call:

1. Transfer the caller to the appropriate agency. The dispatcher should monitor the call to confirm that a connection was made and to ascertain whether further assistance is needed.
2. Collect all pertinent information and contact the appropriate agency to relay the request.

(b) Any emergency call received on a non-emergency number will be handled as a 9-1-1 call.

(c) When misdirected non-emergency calls are received by Dispatch, a dispatcher should provide the caller with the telephone number of the appropriate service provider, if practicable.

801.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with Department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

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(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Shift Commander/Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

801.6.1 ACCESS TO PORTABLE RADIOS
Each officer on duty shall have access to a two-way, hand-carried portable radio.

801.7 RECORDING AND PLAYBACK

Dispatch shall have the capability for recording and playback of all radio communications and incoming telephone calls. Recording equipment shall allow for immediate playback at Dispatch positions to allow for dispatcher review of information.

801.7.1 REVIEW, COPYING, AND RELEASE OF RECORDINGS
Upon approval by the Shift Commander/Supervisor, recorded files may also be reviewed:

(a) By any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation, subject to approval by a supervisor.

(b) By supervisors who are reviewing conduct by members of the Department, for training purposes, or when review of a recording might be beneficial in reviewing a member's performance.

(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 Records Maintenance and Release Policy.

All requests for the release of recordings shall be processed in accordance with the Records Maintenance and Release policy.

801.8 ALTERNATE POWER SOURCE

The Department shall have an alternate source of electrical power that is sufficient to ensure the continued operation of the emergency communication equipment if the primary power source fails.

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Property and Evidence

802.1 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 custody and those persons authorized to remove and/or destroy property.

802.2 DEFINITIONS

Definitions related to this policy include:

Cohabitant - A person who is 18 years old or older, who resides in the same residence as the owner-cohabitant, and is any of the following (Utah Code 53-5a-501):

- Living as if a spouse of the owner cohabitant.
- Related by blood or marriage to the owner cohabitant.
- Has one or more children in common with the owner cohabitant.
- Has an interest in the safety and well-being of the owner cohabitant.

Contraband - Any property, item, or substance that is unlawful to produce or to possess under state or federal law.

Contraband includes:

- A controlled substance that is possessed, transferred, distributed, or offered for distribution in violation of Title 58, Chapter 37, Utah Controlled Substances Act.
- A computer that: contains or houses child sex abuse material (CSAM), or is used to create, download, transfer, upload to a storage account, or store any electronic or digital files containing CSAM.
- A computer that: contains the personal identifying information of another individual as defined in Subsection 76-6-1102(1), whether that individual is alive or deceased, and the personal identifying information has been used to create false or fraudulent identification documents or financial transaction cards in violation of Title 76, Chapter 6, Part 5, Fraud.
- A firearm, or dangerous weapon, if the legal owner is, or becomes, a restricted person under Utah Code 76-11-303.

Disposal - Authorized removal of property from the Evidence Room inventory as dictated by state law and Department policies.

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.

Owner cohabitant - A cohabitant who is 18 years old or older and owns a firearm. Utah Code 53-5a-501.

Property - Includes all items of seized evidence, items taken for safekeeping, and found items.

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Recovered Stolen Property - Includes all items recovered during an investigation that have been stolen or listed as such in the NCIC database.

Seized 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 where the lawful owner is known:

- Property obtained by the Department that is not necessary for the prosecution of the case and can be released to the owner without further authorization.
- Personal property of an arrestee not taken as seized evidence.
- Property taken for safekeeping under authority of a law.

802.3 PROPERTY HANDLING

(a) Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is returned to the owner or properly tagged and placed in the designated property locker or storage room. Employees will understand that establishing and maintaining chain of custody is critical in the prosecution of a case. Care shall be taken to maintain and limit the number of officers involved in the chain of custody for all items collected.

(b) A **general offense or initial report is required** for any property submitted to the Evidence Room for storage. This should at minimum include a description of the item and the location it was collected from, regardless of the property type. When generating a property report in the Department records management system, all items collected will be marked as "Evidence-Yes." This indicates that the property is physically being received by evidence personnel.

(c) 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 the Evidence Room. The officer will document the date, time and location of the release, and who the property was released to in his/her incident report.

(d) 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 or submitted electronically through OnBase.

(e) All property submitted to the Evidence Room 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 for storage. 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. These items have

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additional requirements to legally return or dispose of and packaging them separately is the only way to ensure they are not overlooked.

(f) 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 in a trash receptacle, and this will be documented in the officer's report.

(g) Contraband items that are not needed for the prosecution of a case will be packaged and submitted to the Evidence Room for disposal. Items submitted for disposal require a property report generated in the Department records management system and chain of custody established as an original submittal. Evidence personnel will receive the item and document its disposal based upon legal requirements for the item type.

(h) **Excluding exceptional circumstances, officers will complete the booking process and shall not maintain possession of the property beyond the end of his/her shift without supervisor approval.** Exceptional circumstances that could delay the completion of the 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.

1. When a case involves a large quantity of property or a complex scene, the officer should obtain a supervisor's permission to store the items collected in a secure locker in the property intake area of the Evidence Unit. An email should be sent to the WVC Evidence group email letting them know which locker the property is in and that the officer has not completed packaging and booking the items. The officer may then return to the Evidence Unit during business hours and evidence personnel will assist the officer in retrieving the property to complete the booking process.
2. 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.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to officers going off-duty unless there are exceptional circumstances, such as those listed in the Property Handling policy above, and approved by a supervisor. Officers booking property should observe the following guidelines:

(a) Complete the Property Form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Sign their initials on, and date all seals, ensuring that the signature is partly on the seal and partly on the packaging to protect against tampering.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

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(d) When the property is too large to be placed in a locker, the item will be secured in one of the large evidence cages located in the in the entryway to the Evidence Booking Room of the Police Department. The cage will have an open padlock. After placing the item(s) in the cage, officers will close the cage door and secure the cage with the padlock. Only Evidence personnel have the combination to open the padlock once it is secure. 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 officer's custody, and describing each item of property booked into evidence.

802.3.2 EXCEPTIONAL HANDLING OR PACKAGING OF PROPERTY

Certain property items require additional considerations during the collection process. The following items shall be handled 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. Heavily saturated items that require extra time to dry will be secured in the drying cabinet located in the Evidence Booking Room. Officers will place the items in the cabinet, lock it, and remove the key. The Officer will sign the log on the cabinet door and keep the key until he/she can return to package and submit the items into evidence. To avoid cross-contamination of biological evidence, the items collected from different cases or from different subjects should not be placed in the drying cabinet at the same time. In situations where the cabinet is full or more drying space is needed, Evidence Unit staff should be notified to assist. All evidence bags or containers that have items contaminated with bodily fluids and/or blood shall have a biohazard sticker attached.

(b) Wet or damp evidence will be air dried and placed in a paper bag. Items requiring extra time to dry should be secured in the drying cabinet using the same process as listed in paragraph (a) above. Under no circumstances will evidence containing any moisture or subject to biological decomposition, such as plants or animal tissue, be stored in airtight 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. Cash booked as seized evidence will be deposited into the city account within (15) working days. Amounts collected more than $5,000 will be deposited within (2) working days. Evidence personnel must be notified at the time of booking to place a hold on a cash deposit if there is a reason it needs to be retained in cash or submitted

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for forensic testing. Cash booked for safekeeping may be retained and stored in the safe room until it is returned to the owner or exceeds the (90) day retention period.

(e) Evidence personnel will store all cash, jewelry, and other valuables in the designated safe room within the secured evidence storage area.

(f) Evidence personnel will store all firearms in a separate locked room within the secured evidence storage area.

(g) Evidence personnel will store all drugs in a separate locked room within the secured evidence storage area.

(h) Evidence which may bear latent fingerprints, or partial prints, will be handled carefully and packaged individually to prevent destruction or contamination.

(i) 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.

(j) Paraphernalia as described in Utah Code 58-37a-3 should be photographed and booked for disposal unless it is needed for the prosecution or enhancement of a criminal case.

(k) 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.

(l) 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.

(m) Cases that involve child sexual abuse material (CSAM) are generally received through the ICAC Data System (IDS). When these are received, the assigned detective shall download the case file to an encrypted thumb drive. After the initial review and documentation of the reported CSAM has been completed, the thumb drive shall be booked into evidence. For cases involving CSAM that are received outside of the IDS, detectives should avoid multiple downloads. Detectives should consider the long-term value of uploading the hash values of the CSAM images to Project Vic for future prosecution.

802.3.3 RECEIPTS FOR PROPERTY

(a) When an officer receives or seizes property that is not contraband 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

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was given or where the receipt was left, and will include a copy or photo of the receipt with their report documentation, with the exception of the Notice to Claim Property (NTCP) 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 or submitted electronically through OnBase.

(b) Officers seizing contraband are not required to give a receipt to the possessor or owner, but a detailed description of what was seized, who it was seized from, and where it was seized from will be documented in the officer's report.

(c) If a copy of the NTCP form cannot be given to a person at the time of collection, then both copies can be placed in the evidence locker and the original will be sent by mail to the owner. If the owner of the property does not have a permanent mailing address, then the officer is responsible for verbally providing the information pertaining to the process for claiming property within the 90-day hold period. The officer should then list "verbally advised" under the address of the NTCP form and submit it with the booked property.

(d) Officers will use the following forms as receipts depending on the reason the property is received or seized:

1. For found property: Found Property Statement Form.
2. For property held for safekeeping: Notice to Claim Property (NTCP) Form.
3. For property seized for asset forfeiture purposes: Asset Seizure Notification Form.
4. For property seized as evidence: Evidence Inventory Form.

802.3.4 NARCOTICS AND DANGEROUS DRUGS

For the safety of personnel, additional precautions must be taken when handling and collecting narcotics and dangerous drugs. The following processes shall be followed by the submitting officer:

(a) All narcotics and dangerous drugs must be weighed or counted prior to submission to the Evidence Room for storage. The quantity must be entered into the records management system and the officer must indicate in a written report if the weight includes the packaging material.

(b) If the quantity allows, a presumptive test should be performed on all suspected drugs using the designated fume hood located in the evidence booking room of the Police Department. The officer will use the provided personal protective equipment and follow the standard operation procedures posted by the fume hood to reduce exposure to potentially hazardous substances. No presumptive testing will be conducted in the field or without proper protective equipment. The results of the presumptive testing will be indicated in the officer's report.

(c) All suspected narcotics and dangerous drugs must be packaged separately from other items and double-bagged.

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(d) Wet plant material or other substances containing moisture must be dried out prior to packaging or submitted in multiple layers of paper products. Evidence personnel should be consulted for guidance on any abnormal situations regarding the collection of suspected narcotics and dangerous drugs.

(e) Paraphernalia as defined by Utah Code 76-18-301 shall be booked separately from drugs and all other items of property. Paraphernalia confiscated in misdemeanor cases should be photographed and booked into the Evidence Room for disposal.

802.3.5 EXPLOSIVES AND FLAMMABLE LIQUIDS

(a) 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 regarding Response to Bomb Calls).

(b) 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.

(c) 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 if possible.

(d) 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, and submitted separate from the firearm. Once the forensics examiner fingerprints the ammunition, the ammunition and clip/magazine will be booked back into evidence in separate packaging.

802.3.6 FIREARMS AND DANGEROUS WEAPONS

For the safety of all personnel, additional precautions must be taken when packaging and submitting firearms and dangerous weapons to the Evidence Room. The following processes shall be followed:

(a) Fixed blade knives or sharp tools must be secured in a knife box using a zip tie.

(b) Folding knives may be secured closed with a zip tie and placed in a plastic bag.

(c) Firearms must be cleared prior to submission to the Evidence Room. A "weapon cleared" flag will be inserted into the chamber of all pistols. Shotguns and rifles should be packaged with the action left open and facing up if the use of a chamber flag is not practical. Revolvers will have a zip tie wrapped around the top of the frame to prevent

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the cylinder from closing. If a firearm cannot be cleared, evidence personnel must be contacted for guidance.

(d) All cleared firearms will be secured in a box using zip ties across the handle, frame, or barrel. Do not place zip ties around the trigger, through the chambers, or down a barrel. A Weapon Cleared Sticker will be completed with all relevant information and attached to the exterior of the firearm box.

(e) A magazine removed from a firearm that does not contain ammunition may be zip tied in the same box as the firearm.

(f) Ammunition must be packaged separately from any firearm or magazine, unless it needs to be processed for fingerprint or DNA evidence. If so, the ammunition should be left in the magazine to prevent evidence contamination and submitted separate from the firearm. Once the forensics examiner processes the ammunition, the ammunition and magazine will be booked back into evidence in separate packaging.

(g) All firearms that are booked into evidence as found or seized evidence must have an eTrace completed. The detective assigned to a case involving a firearm is responsible for ensuring an eTrace has been submitted and is also responsible for documenting and following up on the results of the eTrace return. When an eTrace return identifies that the individual possessing the firearm was not the original purchaser, the detective will attempt to contact the original purchaser to see how the firearm came to be recovered by law enforcement. This information will be documented in the detective's report.

802.3.7 FIREARMS SAFE HARBOR ACT

(a) Officers shall accept a firearm for safekeeping from any cohabitant or owner cohabitant who requests it, and who believes that the owner cohabitant or another cohabitant with access to the firearm is an immediate threat to the cohabitant, the owner cohabitant, or any other individual (Utah Code 53-5a-502). The submission of the firearm must be recorded as a non-reportable case number separate from any other general offense.

(b) The officer receiving the firearm shall:

1. Record the owner cohabitant's name, address, and telephone number.
2. Record the firearm's serial number and the make and model of each firearm received.
3. Record the date that the firearm was accepted for safekeeping.
4. If the firearm was received from a cohabitant, require that the cohabitant sign a document attesting that the cohabitant resides in a home with the owner cohabitant. Package the firearm according to policy and include a "Safe Harbor Firearm" sticker on the box.

(c) An owner cohabitant committing the firearm shall not be asked or required to provide the name of, or any other information about, the cohabitant who poses the threat.

(d) If a firearm received under the Act is determined to be illegal to possess or to own, the officer shall confiscate and book the firearm according to current procedures, notify the person who requested that the firearm be taken for safekeeping of its confiscation,

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and dispose of the firearm in accordance with Utah Code 77-11a-403 (Utah Code 53-5a-503).

(e) The Evidence Supervisor/Technicians shall hold a firearm accepted pursuant to this policy for an initial period of 60 days, renewable for an additional 60 days upon request of the cohabitant or owner cohabitant. At the expiration of this time the firearm shall be returned to the owner cohabitant subject to the following (Utah Code 53-5a-502; Utah Code 53-5a-503):

1. If, prior to the expiration of the 60-day period, the owner cohabitant requests return of the firearm in person, it shall be returned at the time of the request.
2. If an owner other than the owner cohabitant requests return of the firearm, it may be returned to such owner after the expiration of the 60-day period if the owner requesting the firearm provides identification and signs a document attesting to having ownership in the firearm or pursuant to a court order.
3. If an owner is subject to a jail release agreement or jail release order arising out of a class A misdemeanor or felony domestic violence offense for which the owner was arrested and jailed and for which a court has determined probable cause exists, the firearm may not be returned until 60 days after the expiration of the jail release agreement or jail release order.
4. The firearm may not be returned to the owner cohabitant if the owner cohabitant is a restricted person under Utah Code 76-11-302 or Utah Code 76-11-303 or otherwise prohibited from possessing a firearm under state or federal law.

(f) If more than one year has passed since the firearm was committed and the owner cohabitant cannot be located, the Department should dispose of the firearm in accordance with Utah Code 77-11a-403 (Utah Code 53-5a-503).

(g) The Evidence Supervisor/Technicians shall destroy any record created exclusively to document the safekeeping of the firearm as soon as practicable, but no later than five days after releasing the firearm to the owner, or otherwise disposing of the firearm under the Utah Firearms Safe Harbor Act. Until they are destroyed, records pertaining to firearms accepted under the Safe Harbor Act are deemed private records and should not be disclosed except as authorized by law (Utah Code 53-5a-502).

802.4 PROPERTY CONTROL

Each time the Evidence Supervisor/Technicians receives property or releases property to another person, he/she shall enter this information into the records management system. Officers who must take property to court shall contact the Evidence Supervisor/Technicians at least one day prior to the court date.

802.4.1 RESPONSIBILITY OF OTHER PERSONNEL

(a) Every time property is released or received, an appropriate entry in the records management system shall be completed to maintain the chain of custody. No seized evidence is to be released without first receiving written authorization from an attorney, a supervisor or an officer.

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(b) Request for analysis of items including narcotics or drugs shall be completed on the appropriate forms and submitted to the Evidence Supervisor/Technicians. 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.

802.4.2 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

(a) 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.

1. All property will be checked out and transported to the lab unopened and in its original packaging.
2. The State Crime Lab will generate a form to include received by and released by signatures.
3. A copy of this form will be scanned into the electronic filing cabinet under the appropriate case number by the Evidence Technician delivering the property.

(b) When property is returned to the Evidence Unit by the State Crime Lab, a return entry will be made in the records management system.

1. A copy of the lab results will be available on UCJIS.
2. The Evidence Technician will scan a copy of these results into the electronic filing cabinet software under the appropriate case number.

TOXICOLOGY LAB

(a) The Evidence Technician will complete an entry in the Utah Criminal Justice Information System (UCJIS) under Crime Lab Entry, which will prepare the Toxicology Lab for the delivery of the property.

1. The property will be checked out and transported to the toxicology lab unopened and in its original packaging.
2. It will be checked in at the lab window. A received slip will be generated by the lab and given to the transporting employee. If the transporting employee is not an Evidence Technician, the received slip will be taken to an Evidence Technician.
3. These documents will be scanned into the electronic filing cabinet under the appropriate case number, verifying the transfer of the property.

(b) Toxicology laboratory reports are sent to the Evidence Unit via email and scanned into the electronic filing cabinet.

1. Notifications are sent to case managers making them aware that a report is available in the system.

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2. When 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

(a) It will be the officer's responsibility to check out and transport property in its original packaging to the Regional Computer Forensics Lab (RCFL) or any other outside lab for processing.

1. The property will be checked in at the receiving lab and will be logged into that lab's system according to the lab's protocol.
2. The officer will document all chain of custody transfers in a supplemental report to the original case.

(b) The officer will be responsible for the return of the property and its original evidence packaging from the lab.

1. 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.
2. The processed property will be returned to an Evidence Technician or booked into a secure locker in the Evidence in-take area.
3. 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.

(c) 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.

1. The Evidence Technician will update the records management system to show when the property was checked out and for what purpose.
2. The officer will document all chain of custody transfers in a supplemental report to the original case.

(d) 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.

1. The officer will return the property to an Evidence Technician or secure the property in a locker in the Evidence in-take area.
2. The Evidence Technician receiving the property will make a return entry in the records management system.
3. 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.

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(e) 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.

802.4.3 STATUS OF PROPERTY

(a) Each person receiving property will make the appropriate entry to document the chain of custody. 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.

(b) The Evidence Supervisor/Technicians shall obtain the signature or verification password 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 property or properly released to another authorized person or entity.

(c) The return of the property should be recorded in the records management system, indicating date, time and the person who returned the property.

802.4.4 AUTHORITY TO RELEASE OR DISPOSE OF PROPERTY

(a) Evidence personnel shall have the authority to release or dispose of property not connected to any criminal case and booked as found or safekeep, so long as the statutory requirements outlined in this policy are met.

(b) Additional authority to release may be granted in specific circumstances by the City or prosecuting attorney and outlined in a Disposal Memorandum which will be referenced, by evidence personnel, in the records management system.

(c) The disposal of seized evidence shall be authorized by the investigating officer/ detective, supervisor, or prosecuting attorney. The signed authorization for disposal must list the specific items to be disposed of and the method of disposal, which may include returning to an owner, auctioning, donating, converting, or destroying.

802.4.5 RELEASE OF PROPERTY

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator and must specify the specific items to be released. Release of all property shall be documented in the records management system.

(a) A background check will be conducted through the Utah State Bureau of Criminal Identification prior to the release of any firearm or ammunition to verify that the owner does not have any restrictions. Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual owns the item. Before returning a seized firearm to an individual, the Evidence Supervisor/Technicians shall submit the necessary form to the Bureau of Criminal Identification to determine whether the individual may lawfully possess and receive a firearm (Utah Code 77-11a-402; UAC R722-380-5).

(b) Acceptable proof of ownership may include the following:

1. A receipt of purchase or transfer.

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2. eTrace results indicating the individual is the original purchaser.
3. Facts outlined in a police report that support the release of the firearm to that individual.
4. A notarized affidavit declaring ownership and detailing how the firearm was obtained.
5. Third-party releases will not be allowed unless there are exceptional circumstances or a court order. Consideration will be made on a case-by-case basis.

(c) All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping (Utah Code 77-11d-104).

1. An Evidence Supervisor/Technicians shall release such property when the owner presents proper identification, and an authorized property release form has been received. The signature of the person receiving the property and the final disposition of the property shall be recorded in the records management system.
2. 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 77-11d-105):
   (a) Publish at least one notice of the intent to dispose of the unclaimed property on the state Public Legal Notice website, giving a general description of the property and the date of intended disposition.
   (b) Post a similar notice in a public place designated for notices within the law enforcement agency.
   (c) Post a similar notice on the City public website of the West Valley City Police Department.
3. If no claim is made for the property, the property may be returned to the person who brought the property to the Department or disposed of according to Utah Code 77-11d-105. The final disposition of the property shall be fully documented in the report management system. No Department employee may claim or receive unclaimed property as a finder.

(d) In cases involving juvenile offenders and the possession of child sex abuse material (CSAM), the parent or legal guardian may ask for the device to be returned. Any electronic communication device, computer, tablet, or storage device, or any other device that could contain electronic data that was known to contain CSAM, shall be factory reset to erase all data prior to being released. In cases involving adult offenders, the investigator should consult with the prosecuting attorney before any release is conducted.

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802.4.6 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 in nature and, in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

802.4.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Evidence Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of the Department, including paraphernalia as described in Utah Code 76-18-301.

802.5 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days 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.

802.5.1 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 58-37-2 et seq.)
- Unclaimed, stolen or embezzled property.
- Destructive devices.

802.5.2 DISPOSITION OF MONEY IN EVIDENCE

(a) This section establishes the procedure for disposition of evidence funds.

(b) Procedure:

1. When the Evidence Unit receives notification from a prosecuting attorney's office that money in evidence is no longer needed for prosecution, an Evidence Technician will send 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.

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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 Technician will follow the procedures outlined in this policy under the heading, 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 Technician will follow the procedures outlined in the policy regarding Release of Property.
5. Unclaimed money in safekeeping, unclaimed found money, and seized evidence money designated to be converted for City use, will be hand delivered by evidence personnel, 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 Technician will count the money. The Evidence Technician will receive a receipt for the money, which will be attached electronically to the associated case. The Evidence Technician will also complete a supplemental report to the case detailing the disposition of the money.
6. If found or seized money is no longer required as evidence and remains unclaimed after 90 days of notice being posted as described in Release of Property, the Department shall notify the person who turned the money over to the local law enforcement agency. Any person employed by a law enforcement agency who finds or seizes money may not claim or receive the money (Utah Code 77-11d-105).
7. Evidence money seized through the asset forfeiture process will be handled as noted in the policy regarding Asset Forfeiture.

802.5.3 BIOLOGICAL EVIDENCE

(a) Evidence Technicians shall ensure that no biological evidence held by this Department is destroyed without adequate notification to the following persons, when applicable:
   1. The defendant.
   2. The defendant's attorney.
   3. The appropriate prosecutor and Attorney General.
   4. Any sexual assault victim.

(b) The Special Operations Bureau Commander.

(c) Biological evidence shall be retained for a minimum period established by law (Utah Code 77-11c-201; Utah Code 77-11c-301;Utah Code 77-11c-401; Utah Code 53-10-904; Utah Code 53-10-905) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period,

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notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Special Operations Bureau Commander.

(d) Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

(e) Biological evidence from an unsolved sexual offense should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Special Operations Bureau Commander should be consulted and the sexual assault victim should be notified.

802.5.4 PROPERTY NO LONGER NEEDED AS EVIDENCE

(a) When a prosecuting attorney notifies the Department that evidence may be returned to the rightful owner, the Evidence Supervisor/Technicians shall attempt to notify the rightful owner that the property is available for return. Prior to the release of the property, the owner shall provide (Utah Code 77-11a-301):

1. Documentation establishing ownership of the property.
2. Documentation that the owner may lawfully possess the property.

(b) When the property is returned, a receipt listing the property in detail shall be signed by the owner and retained by the Department. A copy of the receipt shall be provided to the owner (Utah Code 77-11a-301).

(c) 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 77-11a-402.

(d) If a court orders extraction and return of personal digital data from a computer determined to be contraband, the Department shall determine reasonable cost to provide the data, which shall be paid by the owner at the time the request is made (Utah Code 77-11a-301).

802.5.5 SECURITY AND ACCOUNTABILITY FOR CONTROLLED SUBSTANCES, WEAPONS, AND EXPLOSIVES USED FOR INVESTIGATIVE OR TRAINING PURPOSES

(a) Weapons not designated as evidence:

1. 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.

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2. 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 the Chief's 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.
3. 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) Firearm Reference Collection:

1. The Firearm Reference Collection contains firearms and ammunition which have been acquired from the Evidence Unit through disposed evidence appropriation. They are maintained with strict documentation, regulation, and security by the Department Firearms Examiner and Forensic Director. They are subject to the same inspections and audits of evidence storage areas as outlined by the policy governing inspections of the Evidence Room.
2. Firearm Reference Collections aid the Department with gun-crime related investigations by providing information in the following areas:
    i. Providing various types of ammunition for test firing and NIBIN entry.
    ii. Evaluating manufacturing methods of tool-working surfaces.
    iii. Determining if alterations have been made to a comparable firearm.
    iv. Training of new Firearms Examiners and other members of the Department.
    v. Identifying firearm parts and their origins.
    vi. Providing substitute parts for evidence firearms which have been damaged, removed, or altered rendering them unsafe to test fire.
    vii. Defining the possible locations, character structure, and manufacturing methods of obliterated serial numbers.
    viii. Determining the makes and models of evidence firearms.
    ix. Requests to convert weapons or ammunition for the Firearm Reference Collection will be made via the Property Conversion Form, which will be forwarded through the chain of command to the Chief of Police or the Chief's designee.
    x. If approved, the Evidence Technician will sign the weapon over to the Firearms Examiner and list the weapons status as Converted to Firearms Reference Collection in the records management system. The ammunition will be signed over to the Firearms Examiner and listed as Converted for Test Firing, since it will be consumed.
    xi. A secure room with biometric entry and surveillance camera within the Forensic Unit area has been designated to maintain the Firearm Reference Collection. Gun racks and shelves are used to physically

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organize and store weapons and ammunition. Each firearm will be tagged with an internal tracking number and added to a digital spreadsheet which tracks the original case number and all identifiers associated with the weapon.

xii. Weapons determined to no longer be needed as part of the Firearms Reference Collection will be returned to Evidence personnel and disposed of in accordance with Utah Code 77-11a-403.

(c) Controlled Substances:

1. 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 the Chief's designee.
2. Controlled substances used as training aids by the K-9 unit will be handled as described in the policy regarding Controlled Substance Training Aids.
3. 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 the Chief's 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 and where the controlled substance(s) will be secured when not in use, and the expected length of time of use.
4. If the request is approved, the requesting employee will weigh and test the controlled substance in the presence of the Evidence Technician. 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.
5. Any loss or damage to any controlled substance shall be reported immediately to the employee's immediate supervisor.
6. Upon completion of the training or investigative use, the controlled substance(s) will be returned to the Evidence Technician. The employee will weigh and test the controlled substance(s) in the presence of the Evidence Technician. 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).

(d) Explosives:

1. The Department does not maintain explosive materials in evidence and therefore does not convert explosive materials for training or investigative use.

802.5.6 SEXUAL ASSAULT EVIDENCE KITS

Written notification shall be provided to a victim of the intent to destroy or dispose of a sexual assault evidence kit or other crime scene evidence from an unsolved sexual assault case within 60 days prior to the destruction or disposal (Utah Code 77-37-3).

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802.6 INSPECTIONS AND AUDITS OF THE EVIDENCE ROOM

(a) The Evidence Supervisor, 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 the Evidence Unit Supervisor, a joint audit of the property and evidence will be conducted by the new Evidence Supervisor 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. The audit shall be conducted in compliance with Appendix I of the CALEA Standards Manual. This process will ensure the integrity of the evidence management system and provide accountability for evidence.

(d) An audit of property and evidence held by the Department shall be conducted annually.The audit will be conducted by a person within the Department that is not directly responsible or connected with the control of property and evidence. The audit shall be conducted in compliance with Appendix K of the CALEA Standards Manual.

(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.

(f) A copy of all audits and inspections will be submitted to the Deputy Chief of the Administrative Services Bureau. Appropriate copies, as deemed necessary, will be forwarded to the Accreditation Manager for documentation purposes.

802.6.1 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.

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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 Administrative Services Bureau Deputy Chief will then determine what, if any, further action or discipline is necessary.

802.7 EVIDENCE SECTION'S RESPONSIBILITY

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:

(a) 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.

(b) Maintain property reports and proper documentation of all actions associated with the property commonly referred to as chain of custody.

(c) Ensure the timely and legally correct notification of owners for release or disposition of property recovered, found, or seized by the Department.

(d) Research case disposition to continue maintenance of evidence or disposal of property items.

(e) Coordinate the disposal of unclaimed or surplus property and the special disposal of narcotics, explosives, hazardous materials, and weapons.

(f) Release property to persons legally entitled to the property for court, disposal, or destruction.

(g) Provide an effective liaison between the Police Department and other local, state and federal agencies.

(h) Stay current with any local, state, and federal laws involving property and evidence handling.

(i) Recommend any appropriate changes required by such laws.

(j) Maintain a clean and orderly storage facility.

802.8 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.

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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 until the rules for retention have been met. 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 or scanning them into a suitable digital format.

(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 intake area, and electronic copies are available on the Department OneDrive under the Evidence Guides folder.

802.8.1 RELEASE OF PHOTOGRAPHIC EVIDENCE AND AUDIO RECORDINGS

(a) Release of photographic or audio 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.

2. 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.

(b) 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

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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.

(c) Release of photographic or audio 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 or audio recordings are available and determine the necessary fees according to the fee schedule.
2. The Records Section will collect and verify that all necessary fees are paid prior to forwarding the request to the Evidence Unit.
3. The Evidence Unit will obtain release permissions for the requested images or audio recordings.
4. The requestor will have the option to receive a copy of the files through a secure email link in evidence.com, on a CD or as 35mm prints. The physical copies can be picked up in person at the Records counter in the lobby or sent through certified mail.
5. If a records request for a photograph or audio is denied for some reason, a denial letter signed by the City Recorder will be sent to the requestor. The letter shall contain a description of the record denied, the legal basis upon which the Evidence Technician relied in denying the request, and information related to the appeal process available to the requester. An entry by an Evidence Technician will be made into the GRAMA Management System explaining the reason for the denial.

802.9 ADMITTANCE TO EVIDENCE ROOM

(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 remain secured in the Evidence Room. An entry into the records management system will be made to differentiate the hold period for these particular types of property.
2. Admittance to the Evidence Rooms should be restricted to the Evidence Technicians, 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:
    (a) Date and time of entry and exit.
    (b) Name and ID of individual(s) entering the Evidence Room(s).
    (c) Valid reason for entry.
    (d) Name and badge number of escort.
    (e) Signature of escort and individual entering Evidence Room(s).
3. The Evidence Room(s) area will be kept locked and secured at all times.

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Computers and Digital Evidence

803.1 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.

803.2 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.

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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.

803.2.1 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.

803.2.2 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).

803.3 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.

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803.4 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, both WiFi and Bluetooth should be disabled, then the device powered off. In exigent circumstances where data needs to be acquired as soon as possible, leave the device powered on and contact a forensic examiner, or person trained in the preservation and examination of digital media.

(c) The passcode should be attached to the device when possible.

(d) When seizing the devices, also seize the charging units if possible.

803.5 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.

803.5.1 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.

803.5.2 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.

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VIDEO RECORDINGS

All video recordings will be booked into Evidence in an envelope with a completed evidence tag attached.

803.5.3 PRESERVATION OF DIGITAL EVIDENCE

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.

If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Records Section

804.1 POLICY

It is the policy of the West Valley City Police Department to maintain Department records securely, professionally, and efficiently.

(a) Access to the Records Section 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 Section personnel will have access to police reports. Officers will not be allowed to access the original police reports.

804.2 DEFINITION

Invisible Condition - a physical or mental condition that may interfere with an individual's ability to communicate with a first responder, including: a communication impediment, hearing loss, blindness or a visual impairment, autism spectrum disorder, a drug allergy, Alzheimer's disease or dementia, post-traumatic stress disorder, traumatic brain injury, schizophrenia, epilepsy, a developmental disability, Down syndrome, diabetes, a heart condition, or any other condition approved by the Department. (Utah State Code 53-3-207)

804.3 PURPOSE AND SCOPE

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 Section activities.

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.

804.3.1 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 preceded by an agency identifier assigned to The West Valley City Police Department, WV, followed by a four-digit sequential number beginning with 0001 starting at midnight on the first day of January of each year. As an example, case number WV22-0001 would be the first new case beginning January 1, 2022.

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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 preceded by the agency identifier WV.

804.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police Department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is 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.

804.5 INVISIBLE CONDITION ALERT PROGRAM

(a) Upon receipt of a completed Invisible Condition Alert form, created by the Department of Public Safety, the West Valley City Police Department shall enter information into the law enforcement record management system or computer-aided dispatch system regarding the individual's election to disclose the individual's invisible condition, including the individual's: (a) name; (b) residence; and (c) invisible condition as reported by the individual and verified by the individual's health care professional.

(b) The West Valley City Police Department shall ensure that the information is readily available to a dispatcher when the dispatcher receives a report concerning the name or the address of an individual with an invisible condition.

(c) The West Valley City Police Department shall remove the information, regarding the individual's invisible condition, within 30 days after receiving a written request from the individual or the individual's guardian.

(d) If the West Valley City Police Department becomes aware that the individual has permanently moved from the individual's residence, the information regarding the individual's invisible condition may be removed. (Utah Code 53-3-207)

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Records Maintenance and Release

805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Department records. Protected information is covered separately in the Protected Information policy.

805.2 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Department member who receives a request for any record shall route the request to the Records Officer or the authorized designee.

805.2.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) The Department is not required to create records that do not exist.

(b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions.
2. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the Department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(c) Requests for records must be in writing and contain the requester's name, contact information, and a description of the record requested (Utah Code 63G-2-204).

(d) The Records Officer shall review each request for records within 10 business days unless the person has requested an expedited response. Expedited requests must be reviewed within five business days (Utah Code 63G-2-204).

(e) Unless the Records Officer is prohibited by law from releasing the requested record, or extraordinary circumstances as defined in Utah Code 63G-2-204 or other exception exists, the record shall be released (Utah Code 63G-2-201).

1. If the existence of extraordinary circumstances precludes approval or denial of the request within the time permitted under law, additional time may be granted.
2. A request made by or on behalf of a person on parole, or in jail or another correctional facility following a conviction, may be denied unless it is submitted by an attorney of that person or is one of their first five requests submitted during a calendar year requesting only a record that contains a specific reference to that person (Utah Code 63G-2-201).

(f) If the Records Officer denies a request, a notice of denial shall be sent to the requester. The notice shall contain a description of the record denied, the legal basis upon which

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the Records Officer relied in denying the request, and information related to the appeal process available to the requester (Utah Code 63G-2-205).

805.3 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any Department record, including traffic accident reports, are restricted 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; 18 USC § 2722; Utah Code 53-3-109; Utah Code 41-6a-404).

(b) Victim information that may be protected by statutes (Utah Code 77-37-4; Utah Code 77-38-6).

(c) Personnel records (Utah Code 63A-19-408; Utah Code 63G-2-302).

1. Specific personnel information related to undercover officers or investigative personnel is exempt from disclosure if release could reasonably impair the effectiveness of investigations or endanger any individual's safety (Utah Code 63G-2-301).

(d) Properly classified records that contain medical, psychiatric, or psychological data about a person if release would be detrimental to the person's mental health or safety, or would violate normal professional practice and medical ethics (Utah Code 63G-2-304).

(e) Records created exclusively in anticipation of potential litigation involving this Department (Utah Code 63G-2-305).

(f) Automated license plate reader (ALPR) data (Utah Code 41-6a-2004).

(g) Imaging surveillance data (Utah Code 77-23d-105).

(h) Certain types of reports involving but not limited to child abuse and neglect (Utah Code 80-2-1005).

(i) Certain audio and video recordings created by a body-worn camera that recorded sound or images:

1. Inside a home or residence (Utah Code 63G-2-302; Utah Code 77-7a-107).

2. Inside a hospital or health care facility, inside a clinic of a health care provider, or inside a human service program (Utah Code 63G-2-305).

(j) Certain data collected by an unmanned aerial system (Utah Code 72-10-803).

(k) Data, other than certain statistical information, relating to facial recognition comparisons conducted against a government image database (Utah Code 77-23e-106).

(l) Any other information that may be appropriately denied by:

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1. Utah Code 63A-19-408 (private information of government employees).
2. Utah Code 63G-2-302 (private records).
3. Utah Code 63G-2-304 (controlled records).
4. Utah Code 63G-2-305 (protected records).

805.3.1 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.

805.3.2 ARREST REPORTS

(a) Arrestee information shall be subject to release in the same manner as information contained in other reports, as set forth above.

(b) In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the appropriate City attorney.

(c) 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.

805.3.3 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, as set forth in Utah Code 41-6a-404(3)(a).

(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.

805.3.4 PERSONNEL RECORDS

(a) Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Utah Code 63G-2-302).

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(b) Records of peace officer personnel, both current and former, 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.

(c) 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.

805.3.5 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.

805.4 RELEASE OF RECORDINGS RELATED TO CRITICAL INCIDENTS

(a) Video and audio recordings made by officers of this Department of incidents that resulted in death or serious bodily injury of an individual, or during which an officer fired a weapon, shall be released upon receipt of a proper public records request.

(b) The Records Officer should coordinate as appropriate with the Chief of Police or the prosecuting agency to determine which recordings may qualify for disclosure when a request for a recording is received (Utah Code 77-7a-107).

805.5 OTHER RECORDS

(a) 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.

(b) Any record which was created exclusively in anticipation of potential litigation involving the Department shall not be subject to public disclosure (Utah Code 63G-2-305(9)).

(c) Release of general and investigative reports of child abuse or suspected child abuse may only be disclosed pursuant to law (Utah Code 80-2-1005, Utah Code 63G-2-305(59) and Utah Code 77-37-4(5)).

805.5.1 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, or 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).

805.6 SUBPOENAS AND DISCOVERY REQUESTS

(a) Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Records Officer for review and processing. While a subpoena duces tecum may ultimately compel compliance, it is not an order from the court that will automatically require the release of the requested information.

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(b) Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney, or the courts.

(c) All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

805.7 RELEASED RECORDS TO BE MARKED

(a) Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Department name and to whom the record was released.

(b) Each audio/video recording released should include the Department name and to whom the record was released.

805.8 EXPUNGEMENT

(a) Expungement orders received by the Department shall be reviewed for appropriate action by the Records Officer. The Records Officer shall expunge such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once expunged, members shall respond to any inquiry as though the record did not exist.

(b) The Records Officer shall provide written confirmation that all records have been expunged by the Department to the individual receiving the expungement if requested (Utah Code 77-40a-401).

(c) Upon receiving an order for vacatur, the Records Officer shall comply with the provisions of Utah Code 77-40a-402.

805.9 DATA SECURITY

(a) Department members who become aware that any Department system containing personal information may have been breached should notify the Records Officer as soon as practicable.

(b) If a data breach occurs, the Utah Cyber Center and Attorney General should be notified, and an internal incident report should be prepared, when required by Utah Code 63A-19-405. A notice of a data breach reported to the Cyber Center should indicate whether the breach involved technology, software, or services from a foreign adversary (Utah Code 63A-16-1302).

(c) Notice should be provided to individuals affected by the data breach when appropriate pursuant to Utah Code 63A-19-406.

805.10 TRAINING

The Records Section Director shall, on an annual basis, successfully complete an online records management training course provided by the Utah Department of Administrative Services' Division of Archives and Records Service (Utah Code 63G-2-108).

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Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the West Valley City Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

806.2 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.

806.3 DEFINITIONS

UCJIS Information – shall include all of the information acquired from any file accessed in UCJIS and any Department 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), or National Crime Information Center (NCIC) databases.

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, or release, and any Department 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.

806.4 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(2)(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.

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806.4.1 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.

806.4.2 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 requestor 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.

806.5 JUVENILE RECORDS
Members of this Department shall not generate a hard copy (printed or electronic) of a juvenile's rap sheet or record summary.

806.6 RIGHT OF ACCESS REQUESTS
Utah Code 53-10-108(9)(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(9)(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.

806.6.1 PURPOSE FOR RIGHT OF ACCESS REQUESTS
To establish guidelines for dissemination of UCJIS criminal history information to persons requesting their own records.

806.6.2 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.

806.6.3 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.

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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 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 requestor:

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 (BCI) for correction.

(d) Any person receiving a Utah Computerized Criminal History report through the West Valley City Police Department will be charged a fee for Right of Access information.

(e) Misuse of Utah Computerized Criminal History / Right of Access information:

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 information. 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 to be in violation of any policy relating to the Utah Computerized Criminal History / Right of Access information may be disciplined according to this policy.

806.7 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.

806.7.1 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.

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Employees should take all reasonable steps to prevent unauthorized access to UCJIS information from any Departmental terminal.

806.7.2 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.

806.7.3 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.

806.8 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.

806.8.1 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 (BCI) 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.

806.8.2 DATA PRIVACY TRAINING
All members with access to personal data retained by the Department shall complete data privacy training within 30 days of beginning employment and annually thereafter (Utah Code 63A-19-401.2).

806.9 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(12)(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. (UCJIS Basics 7.0 Misuse of UCJIS Information)

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Protected Information

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.

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Expungements

807.1 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 the State of Utah Records Retention Schedules.

807.2 RECORDS PROCEDURE

(a) 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.

(b) Juvenile expungements will be completed the same as adult expungements, unless otherwise specified by the Expungement Order.

(c) 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 in accordance with the applicable policy.

(d) The Records Section Expungement Checklist will be started and followed to ensure all steps are completed throughout the expungement procedure.

(e) 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.

(f) The assigned Records employee will remove the specified records from all computer applications (the RMIS system, Sire and the Chief's System) including; all written, electronic, recorded or photographed documentation.

(g) The expunged records from all computer applications, including the RMIS system, 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.

807.3 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

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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.

807.4 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!**

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Drug Collection Disposal Program

808.1 PURPOSE AND SCOPE

To establish a procedure for collecting and disposing of unwanted prescription drugs from citizens.

808.2 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.

(a) 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.

(b) 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.
    i. 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.

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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.

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the West Valley City Police Department for processing or testing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

900.2 DEFINITIONS

Definitions related to this policy include:

Visual Check- a visual inspection which can be accomplished by video camera, or an officer looking through the window of the holding cell.

Physical Check - 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.

900.3 POLICY

The West Valley City Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer, or release.

900.3.1 ENTRY RESTRICTIONS

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 occur in this area where an Intoxilyzer Alcohol-Analyzer is located.

900.3.2 FIREARMS

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 times when detainees are being processed and/or temporarily detained.

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900.3.3 SUPERVISION IN TEMPORARY CUSTODY

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.

900.3.4 SCREENING AND PLACEMENT

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.

900.3.5 RESPONSIBILITY FOR SAFETY AND HEALTH

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 and restrooms, and other needs shall be addressed 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.

900.3.6 TEMPORARY CUSTODY LOGS

A logbook of detainees will be completed and kept inside the temporary detention area which documents:

(a) Case number of the incident.

(b) Name of the detainee.

(c) Age of the detainee.

(d) Sex of the detainee,

(e) Time of the detainee in and out of the temporary detention area.

(f) Personal items removed from the detainee.

(g) Reason for detention.

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900.3.7 MEALS
Meals will not be provided to detainees.

900.3.8 INJURIES
Any injuries shall be documented in the officer's official report.

900.3.9 MEDICAL CARE
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.

900.3.10 GENERAL TIME LIMITATIONS
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.

900.4 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.

900.5 SECURITY IN TEMPORARY DETENTION AREA

The following security procedures shall be followed:

(a) 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.

(b) 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.

(c) All detainees must be thoroughly searched for weapons, contraband and/or any dangerous weapons or materials prior to being held in the detention area. The Department policy regarding Custodial Searches shall be followed for adults, and the policy regarding 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.

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(d) 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.

(e) 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.

(f) 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.

(g) Only authorized personnel may have access to the detention area and to detainees during detention. No visitors will be permitted at any time.

(h) 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.

(i) At no time will detainees from other agencies be permitted to be lodged in the temporary detention area.

(j) 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.

900.6 INSPECTION OF THE TEMPORARY DETENTION AREA

On a semi-annual basis, a designee of the Administrative Services Bureau Deputy Chief will conduct an inspection of the temporary detention area utilizing the Temporary Detention Area Inspection form.

(a) The inspection will include the room security; sanitation and cleanliness; safety and fire suppression; locker inspection (guns/property); and inspection of logbook.

(b) At the completion of the inspection, the form will be routed to the Administrative Services Bureau Deputy Chief for review and recommendations when necessary.

(c) On an annual basis, the Administrative Services Bureau Deputy Chief, or designee, will conduct a documented annual review of the temporary detention area to include policy, training, equipment, or disciplinary issues.

900.7 TRAINING

Training for Department members should include initial and annual review, including but not limited to:

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(a) A review of this policy and any related procedures.

(b) Appropriate training on procedures related to using processing/testing areas.

(c) In-service training as required by the Department.

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the West Valley City Police Department facility. Such items can pose a serious risk to the safety and security of Department members, individuals in custody, contractors, and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody Search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, in order to remove all weapons, dangerous items and contraband.

Physical Body Cavity Search - A search that includes a visual inspection of, and may include a physical intrusion into, a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip Search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 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 that cause a reasonable officer to believe 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, gender identity or expression, 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.

901.3 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

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Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.4 STRIP SEARCHES

No individual in temporary custody at any West Valley City Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on Department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.4.1 STRIP SEARCHES

(a) Any strip search will be documented in an official police report. Documentation will include, at a minimum, the following:

1. Circumstances necessitating the strip search;
2. Articulable facts, evidence, or other information justifying the probable cause for the strip search;
3. If a search warrant is not obtained, the reason(s) justifying the exigency or necessity to conduct the strip search without a search warrant; and
4. The name and rank of the supervisor who approved the strip search.

(b) All strip searches must be performed by a person of the same gender, or gender identity or expression, if practical, as the person being searched, and in an area where the search cannot be observed by a person not physically conducting the search; however, a supervisor or another officer shall witness the search.

(c) The same search requirements pertaining to being searched by a person of the same gender, gender identity or expression, and privacy apply to juveniles.

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(d) 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.

(e) 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.

(f) 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.

901.4.2 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Utah Code 77-7-17.5):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary Department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including (Utah Code 77-7-17.5):

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander's approval.
4. A copy of the search warrant.
5. The time, date, and location of the search.
6. The medical personnel present.
7. The names, sex, and roles of any Department members present.
8. Any contraband or weapons discovered by the search.
9. The procedures followed in performing the search and a description of the body areas searched.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

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901.4.3 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

901.4.4 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

(b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response policy for additional guidance).

901.5 TRAINING

The Training Unit sergeant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Arrest Procedures and Detainee Transportation

902.1 PURPOSE AND SCOPE

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

902.2 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.

902.3 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 the policy regarding 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 the policy regarding Investigation and Prosecution.

(e) The officer will notify a supervisor, or approved officer first class, of the arrest and will meet with that supervisor, or approved officer first class, 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.

902.4 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.

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902.5 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.

902.6 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.

902.7 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.

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902.8 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.

902.9 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 Professional Standards Section via the chain of command.

902.10 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.

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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.

902.11 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.

902.12 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.

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Chapter 10 - Personnel

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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 the West Valley City Policy and Procedures Manual and administered by the Human Resource Department of West Valley City.

1000.2 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record).

(b) Driving record.

(c) Personal and professional reference checks.

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites.

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.).

(g) Local, state, and federal criminal history record checks.

(h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible).

(i) Medical and psychological examination (may only be given after a conditional offer of employment).

(j) Review board or selection committee assessment.

(k) Relevant national and state decertification records, if available.

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1000.2.1 VETERAN AND SERVICE MEMBER PREFERENCE

The Department will provide preference eligibility for veterans and service member applicants as required by Utah Code 71A-2-102.

1000.3 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the West Valley City Police Department (Utah Code 53-14-102).

In addition to the requirements of Utah Code 53-14-103, the background investigation shall include but not be limited to the following:

(a) Verification of qualifying credentials.

(b) Criminal history report.

(c) Verification of personal and professional references.

(d) Education verification.

(e) Employment history verification.

(f) A review of relevant national or state decertification records, including the National Decertification Index operated by the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

(g) Consistent with the First Amendment and all applicable laws, a check of publicly available internet and information-sharing sites to identify activity that promotes or supports unlawful violence or unlawful bias against persons based on race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or disability.

1000.3.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.3.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Administrative Services Bureau Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Utah Code 34-48-201).

The Administrative Services Bureau Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

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Regardless of whether a third party is used, the Administrative Services Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.3.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.3.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.4 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred.
- Passage of time.
- Patterns of past behavior.
- Severity of behavior.
- Probable consequences if past behavior is repeated or made public.
- Likelihood of recurrence.
- Relevance of past behavior to public safety employment.
- Aggravating and mitigating factors.
- Other relevant considerations.

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

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Attendance and Absenteeism

1001.1 PURPOSE AND SCOPE

To establish a uniform standard governing the use of paid time off.

1001.2 BACKGROUND

Attendance is a basic tenet of satisfactory job performance and employees are expected to be at work, ready to work, as scheduled. 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.”

1001.3 POLICY

Satisfactory attendance is an expectation of all employees of the West Valley City Police Department.Paid Time Off (PTO) is made available to employees to take time off from work, with pay, when staffing allows. Additionally, PTO is 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 shall notify their supervisor by e-mail or text message, and Patrol Section employees shall also contact the on-duty Watch Commander. The Watch Commander will notify the appropriate personnel and manage staffing issues as required.

Employees shall call in to their supervisor on each day of absence as described in this policy. 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 a valid reason why they were unable to call in.

An employee who is absent from work, citing illness that lasts three or more consecutive days, must provide a doctor's note justifying the absence. Should the employee fail to produce a doctor's note, the absence will not be approved and the employee will not be compensated from their PTO account, and disciplinary action may result. Doctor's notes will be delivered to Human Resources by the employee. Human Resources will notify the employee's supervisor as needed.

1001.4 CONSEQUENCES OF POOR ATTENDANCE AND/OR OVERUSE OF PAID TIME OFF

Employees will report for work at the time and place directed by their supervisor. Failure to report to work at the time and place directed by the supervisor is cause for disciplinary action. In reviewing an employee’s failure to report to work on time, the supervisor will consider the written explanation provided by the employee.

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1001.5 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 attendance procedures is pivotal to the overall effectiveness and future success of the Department.

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. Supervisors 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.
- Identify any patterns or trends of absence that cause concern.
- Initiate disciplinary procedures where necessary.

During any rolling 12-month period, if an employee has been unexpectedly absent on four separate occurrences, the supervisor will counsel the employee regarding the attendance policy, document the counseling, and notify Human Resources and the chain of command. Any subsequent absences from work within a 12-month rolling period that are not accompanied by a doctor's note will be investigated as a violation of this policy.

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Paid Time Off (PTO)

1002.1 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.

1002.2 POLICY

(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 electronic communication 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, or 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.
    i. At a minimum, employees shall make such notification no less than one-hour before the start of their scheduled shift.
    ii. 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.

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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.

1002.3 EXTENDED ILLNESS

Employees absent from duty because of unanticipated absences in excess of three successive work days shall be required to produce a note from a qualified medical professional. If there is reason to believe that an employee is abusing unanticipated absences, a supervisor may require an employee to produce a note from a qualified medical professional regardless of the number of PTO hours used.

If a note from a qualified medical professional is requested, the employee may not return to work, and will be required to use their accrued leave time, until the medical professional's note is provided to the Human Resources Department and the employee is cleared to return to work by Human Resources.

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Performance Improvement Plans (PIP)

1003.1 PURPOSE AND SCOPE

This policy provides a framework for West Valley City Police Department supervisors when creating and administering Performance Improvement Plans (PIP). It details the process for Identification and selection of employees for a plan, providing notice to the affected employee, plan development and implementation, feedback intervals, and concluding documents. It also identifies the responsibilities of each participant.

1003.2 DEFINITION

A Performance Improvement Plan (PIP) is a non-disciplinary approach designed to positively assist employees who have demonstrated substandard performance or behavior and who may benefit from intervention before deficient performance results in discipline or other negative consequences.

1003.3 PERFORMANCE IMPROVEMENT PLAN PROCESS

The components of a Performance Improvement Plan include:

(a) Identification and Selection of Employees

(b) Notice of Performance Deficiency

(c) Plan Development and Implementation

(d) Plan Administration

See attachment: PIP - Example of Performance Improvement Plan.pdf

See attachment: PIP - Example of Notice of Deficiency.pdf

See attachment: PIP - Example of Feedback Meeting.pdf

See attachment: PIP-Example of Performance Improvement Plan Conclusion.pdf

1003.3.1 IDENTIFICATION AND SELECTION OF EMPLOYEES FOR PERFORMANCE IMPROVEMENT PLAN

The purpose of identification and selection is to first recognize a pattern of performance and/or behavior that fails to meet performance expectations or policy standards. Supervisors are charged with continuously evaluating the work of employees under their purview, and identifying those employees who may benefit from a performance or behavior intervention. Furthermore, supervisors are expected to analyze the substance of substandard performance and/or behavior to determine the most appropriate course of corrective action.

In most cases when there is a minor policy violation or performance deficiency, supervisors may institute progressive intervention. Progressive intervention may include, but is not limited to, verbal counseling, training, and non-disciplinary instruction. The supervisor should document any progressive intervention in the employee's personnel management file.

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A supervisor may consider a Performance Improvement Plan (PIP) once progressive intervention efforts fail to produce desired results. If a supervisor chooses to select an employee to participate in the PIP process, the supervisor shall first seek the approval of the employee's Bureau Commander though the employee's chain of command.

A supervisor may only select an employee for participation in a PIP when the employee has met the standard of "Below Expectations" in one of the eight (8) performance characteristics listed on the Monthly Performance Evaluation Form. These characteristics include:

(a) Quality of Work.

(b) Job Knowledge.

(c) Communications.

(d) Attitude / Professionalism.

(e) Decision Making.

(f) Self-Initiated Activity.

(g) Time Management/Reliability.

(h) Officer Safety / Tactics.

A supervisor may select an employee for participation in a PIP at any time during the year.

1003.3.2 NOTICE OF PERFORMANCE DEFICIENCY

Once an employee is selected for participation in the PIP process, a Notice of Performance Deficiency shall be issued to the employee. A Notice of Deficiency will contain the following elements:

(a) **Summary** – Provide a brief description of the pattern of performance or behavior demonstrated by the employee and how it fails to meet performance expectations or policy standards.

(b) **Specific Areas of Concern/Deficiency** – This section of the PIP should detail the circumstances and specific examples of the employee's performance or behavior that established a pattern of concern warranting supervisory intervention.

(c) **Performance Standard(s)** – Provide a description of the acceptable level of performance. Specifically describe the performance standard the employee must meet.

(d) **Impact of the Employee's Performance and/or Behavior** – Describe the impact of the employee's substandard performance or behavior. These impacts might be on the public, their peers, the supervisor or the Department.

(e) **Previous History of Meetings / Discussions /Documentation** – Detail all previous intervention efforts in support of reason for selecting the employee for PIP participation. This includes all discussions, counseling, letters, etc. related to the specific area of deficiency.

(f) **Notice** – Provide a statement that the employee has been given official notice that they have no longer than thirty (30) days to bring their performance to the level of "Meets

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Expectation" as outlined in section (c), above. The notice period may be less than thirty (30) days but should not exceed thirty (30) days. Failure to bring their performance to the level of "Meets Expectation" will result in the employee being placed on a formal Performance Improvement Plan.

The purpose of a Notice of Performance Deficiency is to provide the employee an opportunity to bring their performance to the level of "Meets Expectation" within the thirty (30) day (or shorter) notice period without the need for the formal, complete PIP process. The supervisor will be responsible to evaluate the employee's performance at the end of the notice period and determine if a full PIP will be necessary. If the supervisor determines that the employee's performance "Meets Expectation," a concluding interdepartmental correspondence (IDC) will be completed indicating that the Notice of Performance Deficiency process has concluded. The Notice of Performance Deficiency and concluding IDC will be forwarded to the employee's Bureau Commander through the chain of command for final approval, then entered by the supervisor into the Department's personnel management software.

In the event an employee falls below the level of "Meets Expectation" for the same area of deficiency within six (6) months after the conclusion date of the original Notice of Deficiency, the supervisor may restart the PIP process and place the employee on a formal Performance Improvement Plan with Bureau Commander approval.

1003.3.3 PLAN DEVELOPMENT AND IMPLEMENTATION

In the event an employee who has been issued a Notice of Performance Deficiency fails to "Meet Expectation" after the Notice of Performance Deficiency period, the supervisor will develop a formal PIP. The employee's supervisor will be responsible to author the content of the PIP unless otherwise directed by the responsible Bureau Commander. The PIP document will consist of three sections, which include the following:

(a) **Section I – Background Information**

1. This section will contain elements (a) through (e) from the Notice of Performance Deficiency, as outlined in the section of this policy above, with updated information from the Notice of Performance Deficiency period.

(b) **Section II – Performance Improvement Planning**

1. Strategies for Successful Outcome

i. This section of the PIP is intended for the supervisor and the employee to work together in crafting objectives that provide a road map to a successful outcome. Objectives should be:

A. **Specific** – Write expectations that are clear and concise to help ensure the employee understands them.

B. **Measurable** – Install benchmarks so that progress or lack thereof is readily discernible.

C. **Attainable** – Make reasonable efforts to ensure the employee has ample opportunity and resources to meet the expectations.

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D. **Relevant** – Draw a clear nexus between the expectation and named performance or policy standards.

E. **Time Based** – Develop a reasonable timeline to help define expectations and motivate positive progress.

2. Statement of Assistance

i. State what you as the supervisor will do, and what special training (if appropriate) will be given to assist the employee to improve.

ii. If applicable, consult the Training Unit and consider any formal training related to the specific performance deficiency.

iii. Consider assigning the employee to a Field Training Officer for a pre-determined period.

(c) **Section III – Performance Improvement Plan Terms**

1. This section of the PIP specifies the duration of the plan, prescribes supervisor feedback intervals, and defines other necessary terms. The following guidelines should apply to the PIP terms:

i. Duration – The duration of a PIP should be no longer than three (3) months unless the employee's Bureau Commander determines an extension (not to exceed an additional three months) is likely to benefit both the employee and the Department. The PIP may be put on hold during an employee's leave of absence and resume upon return to full duty.

ii. Feedback Intervals – The supervisor is expected to provide timely feedback and ongoing guidance to the employee. The supervisor (or designee) should make reasonable efforts to meet with the employee no less than once per work week.

iii. Other Terms – Other necessary terms may include, but are not limited to the following:

A. The employee may be required to attend remedial training prescribed by the supervisor.

B. The employee may submit to a voluntary assignment transfer with approval from the Chief.

C. The Bureau Commander may limit or restrict the employee from participating in work activities outside the scope of their primary assignment including but not limited to ancillary responsibilities, voluntary overtime assignments, or other work that the Bureau Commander reasonably believes may impede the employee's progress or success.

D. Employees who are participating in a PIP may not be placed into a special assignment.

iv. Additional Information – The following statement should be included at the end of the PIP: "The intent of this document is to identify performance

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deficiencies and to provide a clear, concise mechanism for improving performance to a standard of "Meets Expectation". Every reasonable effort will be made to provide training and support necessary for the successful completion of this Performance Improvement Plan. Items contained in this plan are subject to modification under several circumstances.

First, if it becomes clear that the level of "Meets Expectation" has been attained prior to the projected end date, the plan may be dissolved upon agreement of the employee and the employee's chain of command.

Second, where improvement in overall performance is noted, but additional time and/or training is required to reach a standard of "Meets Expectation" in all areas, the plan may be renegotiated.

Finally, if it is determined that the employee's overall performance continues at a level below "Meets Expectation," or that a standard of "Meets Expectation" cannot be met by the end date of the Performance Improvement Plan, discipline may result in employment consequences up to and including termination.

v. Acknowledgment – The employee and supervisor shall sign the PIP acknowledging that the PIP has been received and is understood by the employee.

1003.3.4 PERFORMANCE IMPROVEMENT PLAN FEEDBACK

The supervisor is expected to provide timely feedback and ongoing guidance to the employee.The supervisor should make reasonable efforts to meet with the employee no less than once per work week.

Following each feedback meeting, the supervisor shall complete an entry, in the Department's personnel management software, containing the following information:

(a) Date and time of the meeting.

(b) Any training provided to the employee.

(c) Any discussion or counseling regarding the specific area of deficiency provided to the employee.

(d) Any concerns or issues presented by the employee.

(e) A summary of the progress made by the employee.

All feedback forms shall be attached to the original PIP entry in the employee's personnel management file.

1003.3.5 PERFORMANCE IMPROVEMENT PLAN CONCLUSION

At the conclusion of the Performance Improvement Plan term, the supervisor will complete a concluding IDC that contains the following information:

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(a) **Summary** – Provide a brief description of the original pattern of performance or behavior demonstrated by the employee that prompted the PIP process.

(b) **Performance Standard(s)** – Provide a description of the acceptable level of performance. Describe the performance standard the employee has met or has failed to meet.

(c) **Summary of Assistance Provided** – Provide a summary of any discussions, counseling, training and any other assistance provided throughout the PIP process.

(d) **Final Evaluation** – This section should detail the circumstances and specific examples of the employee's performance or behavior, and whether the employee meets, exceeds or is below the expectation for each specific performance standard.

The concluding IDC shall be attached to the original PIP entry in the employee's personnel management file.

1003.4 PLAN ADMINISTRATION

The Performance Improvement Plan will be administered in the following manner:

(a) **Supervisor Responsibilities:**

1. If a supervisor chooses to select an employee to participate in a PIP, the supervisor shall first seek the approval of the employee's Bureau Commander.
2. When approved, the supervisor should prepare a PIP and forward it through the chain of command to the employee's Bureau Commander.
3. If the employee is moved to a different supervisor while in the PIP process, it shall be the responsibility of the supervisor who administered the action to inform the new supervisor of the PIP through a written IDC that will be attached to the employee's personnel management file..
4. The supervisor shall document the PIP, including all related attachments and forms, in the employee's personnel management file. A single entry for the PIP should be created and all updates, meetings, and concluding forms should be attached to the initial PIP entry as a running log of events.

(b) **Bureau Commander Responsibilities:**

1. Review the draft PIP, make changes or recommendations as necessary, and provide final approval to execute the PIP.
2. Review written responses that are properly delivered in the manner described in Paragraph (c) below, and direct changes or recommendations to the PIP as deemed necessary.
3. Ensure feedback forms, concluding IDC, written responses, and other relevant documents are attached to the PIP.

(c) **Employee Responsibilities:**

1. The employee will meet with the supervisor as directed, review the terms of the PIP, and provide feedback in a reasonable and constructive manner.

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2. The employee will review and acknowledge that the employee has read the final version of the PIP by signing and dating in the designated area of the PIP. If the employee declines to sign the PIP, the employee's refusal shall be treated as Insubordination, a Category B violation in the Discipline Matrix.
3. The employee has an opportunity to prepare a written response to the PIP and forward it through the chain of command to the responsible Bureau Commander. The written response must be presented within five (5) calendar days after being notified of selection for a PIP.
4. The employee shall participate in and honor the terms of the PIP.

1003.4.1 REQUEST FOR ACCOMMODATION

Any employee selected for participation in the Performance Improvement Plan process may make a request for reasonable accommodation based on disability. The employee may notify the supervisor or Human Resources of the request. Any supervisor receiving a request for accommodation shall forward the information to the Bureau Commander and Human Resources for consideration.

1003.5 DOCUMENTATION

The supervisor shall be responsible for completing all PIP-related documentation. Upon selection of an employee for participation in the Performance Improvement Plan process, and approval by the Bureau Commander, the supervisor shall create an entry in the employee's file in the Department's personnel management software.

All PIP-related documentation, including Notices of Performance Deficiency, Performance Improvement Plans, feedback meeting documentation, concluding IDCs, and any other documentation will be attached to the initial personnel performance entry.

1003.5.1 PIP PURSUANT TO A DISCIPLINARY PROCEEDING

A PIP that is used in conjunction with, or as a result of a disciplinary proceeding will be kept in the employee's personnel management file. However, a copy of the PIP and any attachments may also be included in the related Internal Affairs case file, if any.

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Evaluation of Employees

1004.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1004.2 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.

1004.3 DEFINITIONS

Employees are evaluated in the job competencies that directly affect their assigned duties. Evaluation scales are defined below:

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.

Below Expectations – 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.

1004.4 EVALUATION PROCESS AND EVALUATOR RESPONSIBILITIES

Monthly performance evaluations will be completed using the Performance Evaluation forms in the Department's performance management software. An employee's annual evaluation will be an aggregate of the prior twelve monthly performance evaluations.

The monthly evaluation will be completed by the employee's current supervisor or a supervisor assigned by the employee's current Bureau Chief.

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. Before completing an evaluation, supervisors 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 evaluating the employee will give an explanation for the rating for each job competency. This should include the reason for the rating given and examples of performance behavior when appropriate. Ratings of unsatisfactory or below expectations will include specific performance deficiencies.

Monthly performance evaluations will include an assessment of the employee's compensatory time balance. If the employee has unused compensatory time hours, the supervisor will include

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information regarding the plan to use the outstanding time, in compliance with the Overtime Payment and Compensation policy.

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 evaluating supervisor will physically or electronically sign the evaluation. The employee will have access to their evaluation in the Department performance management software, and a copy will also be retained in their personnel file in that same system.

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 Deputy Chief. The Deputy Chief receiving the appeal will review the evaluation and supporting documents and make a final determination regarding the evaluation.

Supervisor evaluations will be completed in accordance with the expectations set by the Chief.

1004.6 EMPLOYEE COUNSELING

Employees whose performance is rated as being below expectations will be counseled by their immediate supervisor on expected job performance. 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.

When an employee is consistently performing below the expectations of the Department, a supervisor may consider implementing a Performance Improvement Plan (PIP). See the Performance Improvement Plan policy and sample forms included in the appendix to this manual.

1004.6 PERFORMANCE EVALUATION TRAINING

All supervisors shall be trained in the proper procedure for completing a meaningful performance evaluation. Supervisors who complete employee evaluations will also be evaluated by their supervisors regarding the quality of ratings given to employees.

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Specialized and Collateral Assignment Transfers

1005.1 PURPOSE AND SCOPE

To establish a uniform standard governing the transfer of employees to and from specialized assignments within the Department.

1005.2 POLICY

The Chief of Police reserves the right to transfer any member to any location or assignment when deemed in the best interest of the Department.

Transfers made in the best interest of the Department are not formal discipline and will not affect the member's eligibility to request a subsequent transfer.

As with other Departmental personnel records, **all information** related to the selection/transfer of an applicant is confidential.

1005.3 PROBATIONARY EMPLOYEES

Probationary employees may submit a notice of interest for specialized or collateral assignments. The probationary status of the employee will be considered as part of the selection process.

1005.4 SUPERVISORY TRANSFERS

All supervisory transfers are made at the discretion of the Chief of Police.

1005.5 TRANSFER FACTORS

In any transfer of personnel, the Department may consider qualifications including knowledge, training and experience, skill and ability, physical condition, balanced staffing, performance evaluations, seniority, work ethic, attitude, and the needs of the Department.

1005.6 SUBMITTING A NOTICE OF INTEREST

The requesting employee:

(a) Will submit their interest via the Department's Specialized Assignment or Collateral Assignment Interest Form.

(b) Will not consider the process of submitting a notice of interest as an expectation to transfer.

1005.7 DUTIES OF THE SPECIALIZED UNIT SUPERVISOR

The supervisor in charge of the selection process for a specialized assignment will:

(a) Encourage interested persons to submit their interest via the Department's Specialized Assignment or Collateral Assignment Interest Form.

(b) When positions become available, notify candidates that their notice of interest in the specialized assignment has been received.

(c) Communicate with candidates who are not selected for the position and provide an opportunity, at the employee's discretion, to meet with the unit supervisor to discuss the selection process.

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(d) Review all candidates' personnel files, Internal Affairs files, performance reviews, and other pertinent information that should be considered in the selection process.

(e) Minimum qualifications for any specialized or collateral assignment are as follows:

1. Has ratings of "Meets Expectations" in the prior six (6) monthly evaluations.
2. Does not have a sustained Category B or above complaint in the prior six (6) months. The Chief may give exception to low-level vehicle damage or minor policy violations.
3. Does not have an active IA investigation pending.

(f) Solicit input on the candidate's performance from the candidate's current supervisor.

1005.8 SELECTION

After the selection process is complete, the specialized unit supervisor and associated chain of command will compile an eligibility list of the candidates. This list will be reviewed by the Chief of Police for final approval.

Once the specialized unit supervisor has received approval through the chain of command, the supervisor will notify the candidates of the results of the selection process.

Any member on the eligibility list may be selected for transfer.

Once a transfer is approved, a Transfer 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.

1005.9 WITHDRAWALS

Employees desiring to withdraw any notice of interest must notify the specialized unit supervisor for the requested position via email. The email should include the reason for withdrawal.

The specialized unit supervisor who receives the request for withdrawal will remove the notice of interest from the active transfer file and remove the employee's name from the eligibility list for that position.

1005.10 ADMINISTRATIVE/TEMPORARY ASSIGNMENT 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.

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.

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Specialized and Collateral Assignment Transfers

Temporary assignment transfers may occur for a variety of reasons, including but not limited to modified duty restrictions, new hires waiting for a POST class to start, and to provide inexperienced officers with a broader knowledge base and exposure to other investigative experiences. Temporary assignments, including the duration of the assignment, and unit the employee is assigned to, will be made at the discretion of the Chief of Police.

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Request for Change of Assignment

1007.1 PURPOSE AND SCOPE

It is the policy of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1007.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete an Intradepartmental Correspondence (IDC) to the sergeant, or supervisor, that supervises the relevant section they are interested in.

1007.2.1 PURPOSE OF IDC REQUEST

The IDC should list the employee's qualifications for the specific assignment they are interested in. All relevant experience, education and training should be included in the IDC.

The employee should submit an IDC to each individual assignment that they are interested in.

It is incumbent on the employee to update their IDC's with relevant experience, education and training as they happen.

1007.3 SUPERVISOR'S COMMENTARY

It is beneficial for the employee to include an IDC recommendation, from their immediate supervisor, with their IDC request.

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Anti-Retaliation

1006.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members (Utah Code 53-6-210.5).

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause (Utah Code 53-6-210.5).

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement.

1006.2 POLICY

The West Valley City Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1006.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1006.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1006.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1006.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1006.7 WHISTLE-BLOWING

The Utah Protection of Public Employees Act protects an employee who (Utah Code 67-21-1 et seq.):

(a) Communicates in good faith the waste or misuse of public funds, property, or manpower.

(b) Communicates in good faith a suspected violation of a state or federal law, rule, or regulation.

(c) Objects to or refuses to carry out a directive that the member reasonably believes violates state or federal law.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

1006.7.1 NOTICE OF EMPLOYEE PROTECTIONS AND OBLIGATIONS

The Department shall post a notice and use appropriate means to keep employees informed of their protections and obligations under the Utah Protection of Public Employees Act. The Department shall provide the employee with a copy of the Act (Utah Code 67-21-9):

(a) When the employee is hired.

(b) Upon a request by the employee.

(c) When the employee files a grievance under the Utah Protection of Public Employees Act.

1006.8 RECORDS RETENTION AND RELEASE

Human Resources shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1006.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Arrests, Convictions, and Court Orders

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the West Valley City Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1007.2 POLICY

The West Valley City Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1007.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and state law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. 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; Utah Code 76-11-301 et seq.).

All members and retired officers with identification cards issued by the Department 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 53-5a-303(2)(a)(vi)).

1007.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Utah Code 53-6-203 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 nolo contendere plea.

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 this Department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1007.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their immediate supervisor (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing of any past or current criminal detention, arrest,

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charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on their own time and at their own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1007.6 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.

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Alcohol and Drug Use

1008.1 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.

1008.1.1 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).

1008.1.2 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.

1008.1.3 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.

1008.2 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.

1008.2.1 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.

Department employees shall not illegally manufacture any alcohol or drugs.

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1008.2.2 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.

1008.3 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.

1008.4 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.

1008.5 REQUESTING SCREENING TESTS

(a) Job Applicants

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2. 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.
3. 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.

1008.5.1 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.

1008.5.2 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.

1008.6 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.

1008.7 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

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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) 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.

(c) Entry on to the City's premises or worksites constitutes a consent to searches and inspections.

(d) 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.

(e) 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.

1008.8 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.

1008.9 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

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Communicable Diseases

1009.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of Department members contracting and/or spreading communicable diseases.

1009.1.1 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 - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV, and tuberculosis.

Significant exposure - Exposure of the body of one person to the blood or bodily fluids of another person through:

(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.

1009.2 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that Department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

    (a) The mandates of the Utah Occupational Safety and Health Act (Utah Code 34A-6-101 et seq.; UAC R614-1-1 et seq.).

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(b) Reporting known or suspected cases of communicable diseases to the local health department (Utah Code 26B-7-206; UAC R386-702-4).

(c) Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

(d) Exposure control mandates in 29 CFR 1910.1030 (UAC R614-1-4).

The ECO should also act as the liaison with the Utah Occupational Safety and Health Division (UOSH) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1009.2.1 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.
- N-95 particulate-filtering respirator.

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. All replacement personal protective equipment will be stored in the closet in the Briefing Room on the second floor of the police station. Supplies will be monitored by the Training Unit to ensure adequate supplies are maintained.

1009.2.2 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.

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Eating, drinking, smoking, applying lip balm. and handling contact lenses shall be prohibited in areas where the potential for an exposure exists.

1009.2.3 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 site 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

1009.3 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.

1009.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazard materials 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 police 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.

1009.3.2 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 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

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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 takes 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.

1009.3.3 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.

1009.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask or N-95 Respirator) 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.

1009.3.5 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.

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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.

1009.3.6 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 the equipment 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 of.

1009.3.7 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.

1009.3.8 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; UAC R614-1-4).

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The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the Department member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1009.3.9 COUNSELING

The Department shall provide the member, and the member's family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; UAC R614-1-4).

1009.3.10 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed Department member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Seeking a court order or warrant pursuant to Utah Code 78B-8-402.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the person refuses.

1009.4 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.

1009.4.1 DECONTAMINATION OF THE STATION AND CLEANING AREA

Department members may decontaminate themselves and any equipment at any Fire Station.

1009.5 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up actions must occur to limit potential liabilities and ensure the best protection and care for the employee.

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1009.5.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

Any employee who believes that he/she has been significantly exposed to the bodily fluids of another person 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.

1009.5.2 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 make recommendations for avoiding similar events. This report will be provided to the Bureau Chief and to the City's Risk Manager (City Attorney).

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 (City Attorney) are notified of the incident.

1009.5.3 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.

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The health care professional should provide Human Resources and/or the City's Risk Manager (City Attorney) 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.

1009.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the Department member's written consent except as required by law (29 CFR 1910.1030; UAC R614-1-4; Utah Code 26B-7-217). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

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Smoking and Tobacco Use

1010.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in West Valley City Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1010.2 POLICY

The West Valley City Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all Department facilities, buildings, and vehicles, and as is further outlined in this policy (Utah Code 26B-7-503).

1010.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the West Valley City Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities, buildings and vehicles.

1010.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of any entranceway, exit, or operable window of any public building (including any Department facility), all enclosed indoor places of public access, or in any buildings where restrictions on use of tobacco products are posted or provided by other means, whether the person is present for training, enforcement, or any other purpose (UAC R392-510-8).

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Personnel Complaints

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of the Department or its employees. This policy also specifies procedures to identify training needs and issues regarding employee performance and evaluation. Performance and evaluation issues are distinct from disciplinary records.

1011.2 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of Department policy or of federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate Department policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

1011.2.1 COMPLAINT CLASSIFICATIONS

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.

1011.2.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.

(b) Any Department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1011.3 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1011.3.1 AVAILABILITY OF COMPLAINT FORMS

Personnel Complaint Forms will be maintained by the Department and made available to the public upon request in person, by e-mail, or postal mail.

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1011.3.2 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) All complaints, including anonymous complaints, shall be accepted and investigated to the extent that sufficient information is provided.

(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) When the complainant has been identified as a vexatious complainant who has created a substantial burden for the City or the Department, and/or has abused the system for filing complaints, those complaints will be routed to specifically identified personnel assigned to work with the complainant to resolve concerns.

(e) 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.

1011.3.3 COMPLAINT DOCUMENTATION

Complaints of alleged misconduct shall be documented by a supervisor in the Department's software program for personnel complaints. 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.

1011.3.4 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

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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 Unit. 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 Administrative Services Bureau Commander.

1011.4 SUPERVISOR RESPONSIBILITIES

Supervisors shall be responsible for the following:

(a) A supervisor receiving a complaint involving allegations that are serious in nature shall ensure that the Internal Affairs Unit 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.

(d) A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

(e) The Chief of Police or any other supervisor who is made aware of an allegation against a certified peace officer or dispatcher employed by the West Valley City Police Department shall conduct an administrative or internal investigation and report substantiated allegations to the Division of Peace Officer Standards and Training (POST) within 90 days (Utah Code 53-6-211; Utah Code 53-6-309; UAC R728-409-18).

(f) If an officer or dispatcher who is the subject of the investigation resigns, retires, or otherwise separates from the agency before the conclusion of the investigation, the Chief of Police shall report the allegations and any investigation results to POST (Utah Code 53-6-211; Utah Code 53-6-309).

(g) The Chief of Police shall notify POST within 30 days after the officer's termination date if there is an open internal investigation for an alleged violation of Utah Code 53-6-211(1) (Utah Code 53-6-209).

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(h) If the West Valley City Police Department receives credible allegations and opens an internal investigation within two years after the day of an officer's termination date, the Chief of Police shall provide notice to POST 30 days after the investigation is opened of the estimated completion date. If the allegations involve violations of Utah Code 53-6-211(1), whether or not they result in an internal investigation, the Chief of Police shall notify POST (Utah Code 53-6-209).

1011.5 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.

1011.5.1 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. Shift differential will be adjusted in accordance with the reassigned shift.

(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.

1011.6 ALLEGATIONS OF CRIMINAL CONDUCT

(a) 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.

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(b) The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct.

(c) 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.

(d) No information or evidence administratively coerced from an employee may be provided to a criminal detective.

(e) 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.

1011.7 ADMINISTRATIVE INVESTIGATION OF COMPLAINTS

Allegations of misconduct will be administratively investigated as follows.

1011.7.1 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether an administrative investigation is conducted by a supervisor or by a member of the Internal Affairs Unit, the following procedures shall be followed regarding 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 in writing by a member of the Administrative Standards Bureau of the allegations and the employee's rights and responsibilities relative to the investigation.

(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 violations according to 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.

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(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 in order 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) Employees will complete any required investigative actions, including but not limited to, being photographed and participating in a line up. These kinds of requests must be narrowly related to the performance of the subject employee's official duties.

(k) No employee may be compelled to submit to a voice stress analysis (VSA) or other truth verification examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1011.7.2 ADMINISTRATIVE SEARCHES

(a) 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:

1. When the employee, whether on- or off-duty, is involved in a shooting or police-related death.
2. When the employee is involved in an injury or fatal accident while on-duty.
3. When the employee is involved in an injury or fatal accident while operating any City-owned vehicle whether on- or off-duty.
4. When there is reasonable suspicion that the employee is under the influence of drugs or alcohol while on-duty.

(b) The use of compelled testing results shall be restricted to the administrative investigation.

(c) 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 the employee's official duties, or if the employee is assigned to, or being considered for, a special assignment with a potential for bribes.

(d) Employees shall have no expectation of privacy when using telephones, computers, radios, or other means of communications provided by the Department.

(e) Department members acknowledge 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; and that no expectation of privacy exists relating to these items or areas.

1011.7.3 ADJUDICATION OF COMPLAINTS

(a) Upon receipt of the completed investigation, the involved employee's Deputy Chief shall:

1. Complete the adjudication within eight working days of receipt of the case file.

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2. Forward the adjudication and investigation to Internal Affairs via the Department's software program for personnel complaints.

(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 and forward it 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 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) 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.

(b) 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.

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 within 30 days even if the officer resigns.

(a) Willfully falsifying any information to obtain certification.

(b) Has any physical or mental disability affecting the officer's ability to perform assigned duties.

(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) Is certified as a law enforcement peace officer, as defined in Utah Code 53-13-102, and is unable to possess a firearm under state or federal law.

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(g) Is found by a court or law enforcement agency to have knowingly engaged in conduct that involves dishonesty or deception in violation of policy of the officer's employing agency, or in violation of state or federal law.

(h) Is found by a court or law enforcement agency to have knowingly engaged in biased or prejudicial conduct against any individual based on the individual's race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity.

1011.7.4 NOTICE TO POST OF INVESTIGATION AFTER TERMINATION

If the West Valley City Police Department receives credible allegations and opens an internal investigation within two years of the termination of an officer's employment, the Chief of Police shall provide notice of the investigation to POST and an estimated date of completion within 30 days. If the allegations involve violations of Utah Code 53-6-211(1), whether or not they result in an internal investigation, the Chief of Police shall notify POST (Utah Code 53-6-209).

1011.8 DISPOSITION OF PERSONNEL COMPLAINTS

(a) The findings of each allegation in a personnel complaint shall be classified with one of the following dispositions:

1. **Unfounded** - When the investigation concludes 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.
2. **Exonerated** - When the investigation finds that the alleged act occurred, but that the act was justified, lawful and/or proper.
3. **Not Sustained** - When the investigation concludes that there is insufficient evidence to sustain the complaint or fully exonerate the employee.
4. **Sustained** - When the investigation finds sufficient evidence to establish that the act occurred, and that it constituted misconduct.

(b) If an investigation discovers 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.

1011.9 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 an investigation within 30 days following the discovery of the allegation, unless such investigation requires a reasonable exception under the circumstances.

(a) Requests for extension may only be approved by the Chief of Police. Complaints will require additional time for adjudication, review by the Professional Standards Review Board (PSRB), and final disposition by the Chief of Police.

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(b) 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.

(c) If an officer is the subject of an internal or administrative investigation into allegations that include any of the conditions or circumstances outlined in Utah Code 53-6-211(1), and the officer resigns, retires, or otherwise separates from the Department before the investigation is concluded, the Department will complete the investigation and report the findings to POST, as defined in Utah Code 53-6-211(6)(b).

(d) 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, that was imposed.

1011.9.1 CONFIDENTIALITY OF PERSONNEL FILES

(a) 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 anyone other than the involved employee or authorized personnel except pursuant to lawful process (Utah Code, Title 63G Part 2).

(b) 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.

1011.10 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide an accused employee with an opportunity to present a written or oral response to the Chief of Police after having had the opportunity to review 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.

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(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 of employment, 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.

1011.11 POST-DISCIPLINE APPEAL RIGHTS

(a) An employee discharged, transferred to another position with less pay, or suspended without pay for more than two days may, within 10 days from the issuance by the Chief of Police of the order of discharge, transfer, or suspension, appeal to an appeal board or a hearing officer if one has been established. However, if the Department has established an internal grievance procedure, the employee must exhaust all available grievance remedies before making such an appeal (Utah Code 10-3-1106).

(b) The employee may appear in person and may have counsel and a public hearing. The findings and decision of the appeal board or hearing officer shall be final.

(c) Any final action or order of the appeal board or hearing officer may be appealed to the Court of Appeals within 30 days of the issuance of the final action or order of the appeal board or hearing officer.

1011.12 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 prescribed by the retention schedule.

1011.13 NOTICE OF SUSTAINED MISCONDUCT INVOLVING BRADY MATERIAL

If an allegation of misconduct involving *Brady* material is sustained, the Chief of Police or authorized designee shall report the findings of the investigation to the county attorney or the Utah Attorney General as applicable (Utah Code 53-25-1003).

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Seat Belts

1012.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in Department vehicles.

1012.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Utah Code 41-6a-1601).

1012.2 POLICY

It is the policy of the West Valley City Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1012.3 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 of the Department, are properly restrained (Utah Code 41-6a-1803).

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 the Department member or the public. Members must be prepared to justify any deviation from this requirement.

1012.4 TRANSPORTING CHILDREN

A child younger than 8 years of age shall be secured using a child restraint system in the manner prescribed by the manufacturer of the system unless an exemption exists due to the child's height (Utah Code 41-6a-1803).

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, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and 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 seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1012.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any Department vehicle with a prisoner restraint system or, when a prisoner restraint system is

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not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1012.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members of the Department 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.

1012.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1012.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 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.

1013.3 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 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.

1013.3.1 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 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.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) 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 of the Special Operations Section and officers assigned to multi-agency task forces.
3. Situations appropriate for the use of Crisis Response Teams.
4. Any situation where there is an increased risk to officers and citizens in pre-planned Department operations.

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(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.

1013.3.2 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.

1013.3.3 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.

1013.4 TRAINING UNIT RESPONSIBILITIES

The Training Unit should:

(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.

(d) Mandate current body armor be worn by employees and inspected by the Training staff or designee at the annual firearms qualification.

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Personnel Records

1014.1 PURPOSE AND SCOPE

This policy 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.

1014.2 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.

1014.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following files, in the Department's personnel management software:

Department file - That file which is maintained as a permanent record of all employment of personnel with this Department.

Supervisor administrative note 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 - A separate file, maintained by Human Resources, which contains material relating to an employee's medical history.

1014.4 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

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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.

1014.4.1 REQUESTS FOR DISCLOSURE

(a) Any member of the Department who receives a request for a personnel record shall promptly notify the Records Officer or other person charged with the maintenance of such records.

(b) Upon receipt of any such request, the responsible person shall notify the affected Department member as soon as practicable that such a request has been made.

(c) 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 may require assistance of available legal counsel.

(d) All requests for disclosure that result in access to a Department member's personnel records shall be logged in the corresponding file.

1014.4.2 RELEASE OF PERSONNEL INFORMATION

(a) Information such as the Department member's medical information, or the home address, telephone number, and Social Security number of the member or of the member's family, that is contained in a personnel record is confidential and may not be released (Utah Code 63A-19-408; Utah Code 63G-2-302; Utah Code 63G-2-304).

(b) The Department may release any factual information concerning a disciplinary investigation if the Department member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1014.5 REQUESTS FOR DISCLOSURE

(a) 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.

(b) 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.

(c) 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.

(d) All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1014.5.1 RELEASE OF PERSONNEL INFORMATION

(a) 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

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unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or designee.

(b) 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).

(c) 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.

(d) 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.

1014.6 EMPLOYEE ACCESS TO OWN FILE

(a) 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).

(b) Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police.

1. 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.

(c) Employees may be restricted from accessing files containing any of the following information:

1. Ongoing Internal Affairs investigations if the employee's access could jeopardize or compromise the investigation prior to final disposition, or provide notice to the employee of the intent to discipline.

2. Confidential portions of Internal Affairs files which have not been sustained against the employee.

1014.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1014.7.1 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.

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(c) All internal and external complaints, which result in a finding of sustained, not-sustained, unfounded, or exonerated.

(d) Adverse comments, such as supervisor administrative note entries.

(e) Commendations, with a copy provided to the involved employee(s).

(f) Personnel Action Reports reflecting assignments, promotions, and other changes in the employee's employment status.

(g) A photograph of the employee.

1014.7.2 INTERNAL AFFAIRS FILE

The Internal Affairs file shall be maintained under the exclusive control of the Administrative Services 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 Professional Standards & Training Section. 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.
2. Each investigation file arising out of a formal citizen's complaint, internally generated complaints, or involving discriminatory harassment/hostile work environment, shall be maintained indefinitely.

(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.

1014.7.3 TRAINING FILE

(a) An individual training file shall be maintained in the Department's personnel management software 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 re-qualification.

(b) It shall be the responsibility of the involved employee to self-enter training that is not provided by the Department into the Department's personnel management software.

1. The submission must include evidence of the completed training/education.
2. Assigned training personnel will verify that necessary documentation has been submitted and will finalize the addition in the employee's training record.

1014.7.4 MEDICAL FILE

A medical file shall be maintained,by Human Resources, 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.

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(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 reveal the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1014.8 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.

1014.8.1 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.

1014.8.2 RELEASE OF PERSONNEL FILES TO A PROSECUTING ATTORNEY

(a) 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.

(b) Absent a specific investigation of identified officers 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.

(c) 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 require a court order (Utah Code 63G-2-202(7)).

1014.8.3 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:

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(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 for security of the 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 to be 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.

1014.9 TRAINING FILE

An individual training file shall be maintained by the Training Unit sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) Individual members of the Department are responsible for providing the Training Unit sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Unit sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1014.10 INTERNAL AFFAIRS FILE

Internal Affairs (IA) files shall be maintained under the exclusive control of the Internal Affairs Unit 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 Internal Affairs Unit supervisor.

(a) IA files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition.

(b) Investigations of complaints that result in the following findings shall not be placed in the member's Department file but will be maintained in the Internal Affairs file:

1. Not sustained.

2. Unfounded.

3. Exonerated.

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1014.11 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the Department member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the 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 that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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Commendations and Awards

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the West Valley City Police Department and individuals from the community.

1015.2 POLICY

It is the policy of the West Valley City Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1015.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any Department member or by any person from the community.

1015.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1015.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

  (a) For members of the Department - name, bureau and assignment at the date and time of the meritorious or commendable act.

  (b) For individuals from the community - name, address, telephone number.

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1015.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

  (a) For members of the Department - name, bureau and assignment at the date and time of the meritorious or commendable act.

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(b) For individuals from the community - name, address, telephone number.

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1015.4.3 PROCESSING DOCUMENTATION

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.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administrative Services Bureau Commander. The documentation will be reviewed by the Bureau Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual’s actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1015.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Medal of Valor
- Police Medal
- Police Star
- Purple Heart
- Life Saving Medal
- Police Distinguished Service Medal
- Police Meritorious Service Medal

Some awards may or may not be designated with a commendation bar to be worn on the Class A Uniform but may be designated in another manner, such as a plaque, special service emblem or pin. These awards include:

- Officer of the Year
- Investigator of the Year
- Supervisor of the Year
- Rookie of the Year
- Citizen of the Year

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Commendations and Awards

- Civilian of the Year
- Military Service Member of the Year
- Field Training Officer of the Year

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

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Fitness for Duty

1016.1 POLICY

The West Valley City Police Department strives to provide a safe and productive work environment and ensure that all members of this Department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a Department member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

1016.2 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this Department remain fit for duty and able to perform their job functions.

1016.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this Department to maintain physical stamina and psychological stability sufficient to safely and effectively perform essential duties of their position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform their duties shall promptly notify a supervisor. In the event that a member believes that another Department member is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.4 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform their 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 their 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 Bureau Commander, a determination should be made whether the employee should be temporarily relieved from their 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 their duties shall investigate the allegation (Utah Code 53-6-211).

(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 their duties is reported to Utah Peace Officer Standards and Training (POST) within 30 days if the

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allegation is substantiated (UAC R728-409-18). This applies even in those instances where an employee resigns or is terminated (Utah Code 53-6-211).

(g) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1016.5 NON-WORK-RELATED CONDITIONS

Any employee suffering from a non-work-related condition which warrants a temporary relief from duty will be required to use paid time off (PTO) in order to obtain medical treatment or other care.

1016.6 WORK-RELATED CONDITIONS

(a) 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.

(b) Any employee whose action(s), or use of force, in an official capacity result in death or serious injury to another shall be removed from regularly assigned duties and/or placed on paid administrative leave, for the well being of the employee, until such time as the following may be completed:

1. A preliminary determination that the employee's conduct appears to be in compliance with related policies and State statutes.
2. The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1016.7 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.

1016.7.1 MEDICAL 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.

1016.7.2 PHYSICAL FITNESS EVALUATIONS

To ensure that officers can meet the physical demands of the job, each officer will be required to participate in an annual physical fitness test or job task simulation test hosted by the Training Unit.

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A. PHYSICAL FITNESS TEST:

Officers choosing to participate in the PT test will be required to meet the following requirements to receive a passing score:

(a) Vertical Jump – 16".

(a) Sit-ups – 35 in one minute.

(a) Pushups – 25 in one minute.

(a) 1.5-mile run – 15:54.

Officers wishing to use the PT test for promotional purposes must pass the PT test above. A passing score on JTST (Job Task Simulation Test) will not count for promotional purposes.

No police equipment is required during the PT test.

B. JOB TASK SIMULATION TEST (JTST)

The JTST is designed to simulate pursuing and restraining a subject. During the JTST the officer will be required to run 500 yards total while encountering various obstacles:

Pursuit

(a) 6-foot fence.

(a) Stairs (12 stairs, up and down 3 times).

(a) 340-yard run.

(a) Serpentine (100 feet).

(a) 4-foot jump (laterally).

(a) 4-foot hurdle.

Restraint

(a) Roll 190 lb. dummy onto stomach.

(a) Simulate handcuffing.

(a) Lift the dummy up to the officer's knees.

Officers will be required to complete the course in 4:25 while wearing an empty duty belt and a ballistic vest.

C. REMEDIATION:

Officers that do not take the PT test will be allowed to take the JTST which will be counted equally to the PT test, except for promotional purposes.

If an officer is not able to pass the JTST in 4:25, they are still required to complete the course in order to establish a baseline for improvement.

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If an officer is unable to pass in the required time, that officer will be assigned to a Department physical fitness instructor to help improve the physical capabilities of the officer, who will have 90 days to retake the test. Upon successful completion, the officer will be counted as having passed.

If the officer fails on the 1st attempt at remediation, the officer will have another 90 days to obtain a passing score.

If the officer fails on the 2nd attempt, the officer will have another 90 days to obtain a passing score.

If the officer fails the 3rd attempt after the remediation period of 270 days, the Training Unit staff will coordinate with Command Staff, Human Resources, and the City's Legal Department for URMA compliance.

1016.7.3 REQUIRED EXAMINATIONS
Any physical, medical, or psychological examinations required by the Department shall be provided at no cost to the Department member.

1016.8 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one day (24-hour) period or
- 30 hours in any 2 day (48-hour) period or
- 84 hours in any 7 day (168-hour) period

Except in very limited circumstances, members 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 shall apply to shift changes, shift trades, rotation, holdover, training, general overtime, any combination of on-duty and off-duty work, and any other work assignments.

1016.9 APPEALS

An employee who is separated from paid employment or who receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints policy.

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Meal Periods and Breaks

1017.1 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.

1017.1.1 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 Dispatch 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.

1017.1.2 BREAKS

Each employee is entitled to a 15-minute break, near the mid-point, for each four-hour work period (UAC R477-8-3). 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.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

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Lactation Breaks

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members of the Department.

1018.2 POLICY

It is the policy of the West Valley City Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members of the Department. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the Department member's nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Utah Code 34-49-203).

1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Utah Code 34-49-202). 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 member'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 regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1018.3.1 PRESENCE OF CHILDREN

The Department is not required to allow the child of the Department member to be present at the Department for purposes of accommodating breastfeeding (Utah Code 34A-5-106).

1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the Department member's work area and shall be other than a bathroom or toilet stall. The location must have an electrical outlet and be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Utah Code 34-49-202).

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Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members of the Department should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for Department members assigned to the field may be taken at the nearest appropriate private area.

1018.5 STORAGE OF EXPRESSED MILK

The Department will provide access to a clean and well-maintained refrigerator, freezer, or other suitable container for the temporary storage of breast milk (Utah Code 34-49-202).

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

1019.1 COMPENSATION POLICY

This policy provides the guidelines for compensation in accordance with the Fair Labor Standards Act (FLSA) and West Valley City policy.

1019.1.1 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

For the purpose of FLSA, Volunteers are not considered employees.

1019.2 RESPONSIBILITIES

The time card is an official report and will be submitted by the employee 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.

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Overtime Payment and Compensation Policy

1020.1 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 ("comp time"). 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.

1020.2 DEPARTMENT GUIDELINES

(a) For purposes of this policy, the work week is defined as Saturday at 0001 hours to Friday at 2400 hours.

(b) Because of the nature of police work and the specific needs of the Department, a degree of policy flexibility concerning overtime must be maintained.

(c) All non-exempt employees covered by the Fair Labor Standards Act (FLSA) 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.

(d) Sworn Police Department employees working in Patrol are an exception to the 40-hour rule and are governed by the hours worked in a period longer than one week. Sworn Police Department employees working in Patrol are required to work over 80 hours in a 14-day cycle before overtime is paid.

(e) Non-exempt employees are not authorized to volunteer work time to the Department.

(f) 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.

(g) 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 adjusting 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.

1020.2.1 HOLIDAY PAY

(a) Holiday hours will be considered hours worked for the purpose of overtime, as long as holiday hours are used on the day the holiday occurs, or on the day the Department designates as the holiday.

(b) Upon approval from a supervisor, employees who are scheduled to work on a holiday may be eligible for overtime at a rate of double time and a half, taking holiday hours in addition to working over 40 hours, or over 80 hours during a 14-day cycle for sworn Police Department personnel. This applies to "critical staff" personnel only and must be approved and reviewed by the immediate supervisor. The Chief of Police approves the critical staff list by assignment. The list of critical staff is maintained by the Budget Manager.

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(c) 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.

(d) Employees are encouraged not to use their holidays until the day of the holiday or after the holiday occurs.

1020.2.2 COMPENSATORY TIME

Employees may be allowed to accumulate compensatory time off rather than being paid overtime. Employees who are not covered by, or who are exempt from, the FLSA have no right to overtime or compensatory time compensation.

(a) Any overtime or compensatory time hours must be pre-authorized by the employee's supervisor. Failure to obtain pre-approval will not void entitlement to be paid for the time worked, but may subject the employee to disciplinary action, up to and including termination of employment.

(b) Compensatory time hours are accrued at either straight time or time and one half and follow the same guidelines as pay.

(c) Unused compensatory time will be paid at the employee's hourly rate of pay annually as directed by the City. However, the Department intends for employees to use their compensatory time leave balance quarterly, via requests for time off or supervisor intervention.

(d) 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.

1020.2.3 TRAINING TIME

The Department recognizes the importance of training and will adopt the following procedure in regard to training:

(a) 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.

(b) Training attended as part of the regularly scheduled work week or during supervisor approved schedule-adjusted time shall be considered hours worked for calculation of overtime. Hours worked while attending training shall be calculated based on the actual hours scheduled for the particular training course. In the event of a training course running longer than the scheduled time frame, the actual amount of time spent in the training shall be used for calculation of hours worked. Accounting for portions of an hour shall be consistent with the policy below, Accounting for Portions of an Hour.

(c) Mandatory training is classified as training for which the Training Unit, at the direction of the Police Chief, has issued an announcement requiring attendance. Mandatory training is considered hours worked for calculation of overtime or comp time.

(d) Training attendance hours will be designated as "Training Time" only when all of the following conditions are met:

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1. Training occurs outside of the employee's regular working hours.
2. The employee's attendance at the training is voluntary.
3. The training is not directly related to any of the employee's work assignments.
4. The employee performs no productive work while attending the training.
5. Attendance at training is pre-approved by a supervisor.

(e) Travel time to a training location is only compensable during regular work hours. With supervisor permission, employees may adjust their schedules so that travel time to a training location will occur during their scheduled work hours; however, travel time in excess of regularly scheduled hours does not qualify for compensatory time or overtime. When an employee qualifies for per diem in relation to attending training, travel time shall affect per diem rates in the following manner:

1. Per Diem calculation on travel day departing to the training location:
    i. Reduce Per Diem by 50 percent (50%) if the employee departs after 2:00 pm.
    ii. Reduce Per Diem by 25 percent (25%) if the employee departs after 10:00 am but before 2:00 pm.
    iii. Allow full Per Diem if the employee departs prior to 10:00 am.
2. Per Diem calculation on travel day returning from the training location:
    i. Allow full Per Diem if the employee returns after 2:00 pm.
    ii. Allow 50 percent (50%) of the Per Diem if the employee returns between 10:00 am and 2:00 pm.
    iii. Allow 25 percent (25%) of the Per Diem if the employee returns prior to 10:00 am.

(f) "Training Time" can only be used for time off purposes.

(g) Officers attending the Basic Police Academy will be compensated for 40 hours per week until graduation from Peace Officer Standards and Training (POST).

1020.2.4 ON CALL TIME

For the purposes of this section, "on call time" will be defined as that time which an employee, 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 employee to respond when called.

(a) Department vehicles will be operated in accordance with Department policy.

(b) Section Commanders will oversee 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 compensatory time per 7 calendar days they are scheduled for on call status, regardless of whether or not they are called. Time must be submitted on the

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employee's time card. No employee will receive more than 5 hours of straight compensatory time per 7 calendar days they are on call.

(d) All time during which an on call employee has been called to duty shall be considered hours worked for purposes of calculating overtime.

(e) Assignments or responsibilities that qualify for on call status shall be approved by the Police Chief. A list of approved requests for on call status shall be maintained by the Budget Manager.

(f) "On Call Time" can only be used for time off purposes.

1020.2.5 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.

1020.2.6 POSTING OF OVERTIME

(a) Scheduled overtime will be posted with a specific description of overtime compensation as either:

1. Compensated by pay.
2. Compensated by choice of pay or compensatory time.

(b) Signing up for overtime constitutes an agreement that the terms of the overtime are acceptable to the employee.

1020.3 REQUEST FOR OVERTIME COMPENSATION

Employees shall record all overtime compensation requests on their time card through the City's pay management program. Employees will add a note supporting the overtime worked. Failure to record a request for overtime compensation in a timely manner, or without a note supporting overtime worked, may result in discipline.

1020.3.1 EMPLOYEE'S RESPONSIBILITY

Employees shall record the overtime worked within the pay period that the overtime is worked. Late submissions must be explained in the note attached to the record.

1020.3.2 SUPERVISOR'S RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked, and that a note was entered supporting the overtime, before approving the request.

1020.4 ACCOUNTING FOR OVERTIME WORKED

Employees shall 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).

1020.4.1 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:

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- 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.

1020.4.2 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 in the record entered.

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Outside Employment

1021.1 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.

1021.1.1 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.

1021.2 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.

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Outside Employment

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. Outside employment that has been released by the Chief's office, or is managed by the Department's third party outside employment group, does not require a permit.

Unless otherwise indicated in writing on the approved permit, a permit will be valid indefinitely.

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

1021.2.1 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.

1021.2.2 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.

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1021.3 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.

1021.3.1 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 employment 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.
5. Officers are prohibited from working outside employment while simultaneously working for West Valley City. This is known as "double dipping".

1021.3.2 OUTSIDE EMPLOYMENT ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside employment 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 employment assignment.

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1021.4 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.

1021.5 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment that are placed on disability leave or temporary modified 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 modified 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.

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On-Duty Injuries

1022.1 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.

1022.1.1 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 website.

1022.1.2 TREATING AN INJURY

When injured, an employee shall immediately obtain necessary treatment from the City authorized care provider. If the condition is life or limb 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. Limb threatening conditions may include broken bones, muscle and ligament damage, tendon rupture, or cartilage damage.

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 Worker's Compensation Fund (WCF).

1022.2 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 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 ensure 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 ensure that the required reporting is completed.

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In all cases, the ultimate responsibility for properly reporting a work-related injury is that of the injured employee. Failure to properly and timely report an injury may result in the delay or denial of benefits, or in disciplinary action.

1022.2.1 ACCIDENT DEFINED

Accident - 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).

1022.2.2 EMPLOYEE'S RESPONSIBILITY

(a) 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.

(b) Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

(c) Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

(d) 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.

(e) 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 employees whose injuries prevent resumption of regular duties.

(f) 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.

1022.2.3 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, by email, in 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.

1022.3 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

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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 Resources 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.

1022.3.1 TRANSITIONAL DUTY

(a) West Valley City Has an aggressive Return to Work Policy.

(b) Transitional Duty is voluntary 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 Resources Office and to WCF at such time as the employee reports to the Human Resources 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 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

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the Human Resource Office and shall review any work restrictions with the employee before allowing the employee to return to the work site.

1022.3.2 TRANSITIONAL DUTY ASSIGNMENTS

The Human Resources 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.

1022.4 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.

1022.4.1 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.

1022.4.2 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.

1022.5 WORKERS' COMPENSATION WAGE REPLACEMENT ("INDEMNITY BENEFITS")

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 66.66% 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.

1022.5.1 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.

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(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.

1022.6 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 Resources Office if questions should arise regarding the reporting, treatment, or processing of workers' compensation claims.

1022.7 SPORTS PLAY WHILE ON DUTY

(a) Certain sports play while on duty is 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.

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Occupational Disease and Work-Related Injury and Death Reporting

1023.1 POLICY

The West Valley City Police Department will address occupational diseases and work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Utah Code 34A-2-407; UAC R612-200-1).

1023.2 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to Human Resources 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 who 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.

1023.2.1 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.

1023.2.2 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 the City's workers' compensation insurance, WCF.

1023.3 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

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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 to follow up with WCF Insurance and 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 injured employee. Failure to properly report an injury in a timely manner may result in the delay or denial of benefits, or in disciplinary action.

1023.3.1 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).

1023.3.2 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.

1023.3.3 SUPERVISOR AND COMMAND RESPONSIBILITIES

A supervisor learning of any work-related injury, illness or accident shall notify the Workers' Compensation specialist in Human Resources of the injury within 24 hours of the supervisor receiving notice of the injury.

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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.

1023.4 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 not to 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 not to 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.

1023.4.1 MANDATORY TRANSITIONAL DUTY

(a) West Valley City Has an aggressive return to work policy.

(b) Transitional or modified 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

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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. The employee's 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.

1023.4.2 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.

1023.5 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.

1023.5.1 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.

1023.5.2 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.

1023.6 WORKERS' COMPENSATION WAGE REPLACEMENT ("INDEMNITY BENEFITS")

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 will receive weekly wage replacement ("Indemnity Benefits") equal to 66 2/3% of the employee's

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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 or Full Duty, or when the employee has reached maximum medical improvement.

1023.6.1 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.

1023.7 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.

1023.8 SPORTS PLAY WHILE ON DUTY

(a) Employees are prohibited from engaging in certain sports activities while on duty due to the high number of injuries that 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.

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4. Aerobic Exercise.
5. Weight Training.
6. Individual exercise performed on stationary equipment.

1023.9 BENEFIT PROTECTION CONTRACT

The West Valley City Police Department will provide a benefit protection contract for any public safety service employee who suffers a qualifying injury or illness as defined and required in State law (Utah Code 49-14-602).

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Personal Appearance Standards

1024.1 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.

1024.2 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 for those whose current assignment make the standards inappropriate, 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.

1024.2.1 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:

(a) Hair will not fall over the top of the ears and will not extend over the eyebrows.

(b) Hair must be above the collar line.

Female Officer in Uniform:

(a) Length may be long or short

(b) Hair must be styled in such a manner that it does not hang in front of the face or hinder vision.

1024.2.2 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.

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1024.2.3 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.

1024.2.4 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; however, 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.

See attachment: Photos - Facial Hair Approved and Not Approved Examples.pdf

1024.2.5 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.

Non-sworn uniformed employees will be well manicured and may wear conservatively-colored nail polish.

1024.2.6 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, including earrings 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 - A female officer may wear two pairs of earrings in the ear lobe, provided they shall be the post type for pierced ears and shall have a visible portion no greater

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than 3/16 inch in diameter. A male officer or male uniformed employee shall not wear earrings.

1024.3 TATTOOS, BODY ART, BRANDS, OR DECALS

(a) Tattoos, body art, brands, or decals located on the head, face, neck (above the collarbone), or scalp are not approved and cannot be visible while on-duty or representing the Department in any official capacity.

(b) Hand and cosmetic tattoos, body art, brands, or decals:

1. Hand tattoos/brands/markings shall remain conservative and should not cover the whole hand.
2. Tattooing for medical purposes is authorized when directed by licensed, qualified medical personnel to correct a medical condition, illness, or injury for both men and women.
3. When not medically directed, cosmetic tattooing is permitted if done to apply permanent facial makeup (i.e., eyebrows, eyeliner); the cosmetic tattooing must have a natural appearance and be conservative, moderate, within reasonable limits, not excessive or extreme, not distinctly contrast with the employee's complexion, and be in good taste.

(c) Tattoos shall be covered by a long-sleeve uniform or an armband during the following responsibilities:

1. Any court proceedings.
2. Any formal public safety event (dinner, banquet, etc.).
3. Funerals or memorial services.
4. Or as otherwise directed by the Chief of Police.

(d) Under no circumstance may an employee manipulate, modify, or wear a uniform in a manner that draws attention to a tattoo.

(e) Restricted Tattoos, Brands, or Scarification, regardless of location on the body, if there is any correlation to the employee's employment with West Valley City:

1. Tattoos, brands, or scarification that depict or refer to intolerance or discrimination based on race, color, sexual orientation, creed, religion, gender, or national origin.
2. Tattoos, brands, or scarification that depict or refer to extremist or supremacist philosophies, or any organization or group that advocates such intolerance or discrimination.
3. Tattoos, brands, or scarification that depict violence, sexual acts, or lewd images or content.
4. Tattoos, brands, or scarification that depict "score keeping" related to police activity.
5. Tattoos, brands, or scarification of the above nature, or any content that does not conform to the Department's values, or which undermines public trust and/or

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the trust of co-workers. Such tattoos, brands, or scarifications negatively affect the reputation of the employee and bring the Department into disrepute.

(f) The Police Department reserves the right to determine the appropriateness of visible tattoos and to require that they be covered if deemed necessary.

1024.4 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.

1024.5 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 this policy may be made on a case by case basis to prevent discrimination based on religion, national origin, gender-related identity, or other legal basis.

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Authorized Attire - Uniforms and Equipment

1025.1 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 sections of the West Valley City Police Department Policy Manual:

- Court Attire and Subpoenas
- Department-Owned and Personal Property
- Body Armor
- Grooming Standards

1025.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear uniforms in order 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) Uniforms 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 in the section regarding Class A uniforms, 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 worn off duty only 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 plain clothes) 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.

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(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. Permitted jewelry:

1. Wristwatch.
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. A female officer or female uniformed employee may wear one pair of earrings in the ear lobes, provided they shall be the post type for pierced ears and shall have a visible portion no greater than 3/16 inch in diameter. A male officer or male uniformed employee shall not wear earrings.

1025.2.1 DEPARTMENT-ISSUED IDENTIFICATION

(a) 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.

(b) 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.

(c) Officers may be excused from the possession and display requirements when directed by their Section Commander.

1025.2.2 OWNERSHIP AND TRANSFER OF UNIFORM

(a) 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 in to the Department, or destroyed by means that ensure they cannot be used again.

(b) The uniform and its component parts are available from approved commercial sources.

(c) 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.

(d) 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 lawful 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.

(e) The right of an officer or employee to dispose of his/her personally-owned uniform applies to the uniform considered as clothing only. Nothing in these regulations shall

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absolve a person from the charge of impersonating an officer if the person wears the uniform in a way that tends to cause public confusion as to lawful police authority.

1025.2.3 UNIFORM ALLOWANCE
Officers and uniformed staff will receive a uniform allowance for the purchase of uniforms and equipment necessary for the performance of duty.

1025.3 SWORN AND NON-SWORN UNIFORM STANDARDS

Uniform specifications and standards are subject to revision by the Chief of Police. A notice of specifications will be distributed to the Department's commercial suppliers periodically that lists specific details of Department-approved items of clothing and accessories that may be worn as part of uniforms. Any variation or deviance from uniform standard policy must be approved by the Chief of Police.

1025.3.1 CLASS A UNIFORM
All sworn uniformed officers shall have a serviceable Class A uniform available at all times.

Class A Uniform Standards:

As listed in the policies for Class A and Class B Uniforms:

(a) Long-sleeve shirt.

(b) Dress hat.

(c) Black tie with plain silver tie bar.

(d) Leather or synthetic leather basket weave belt and duty gear.

(e) Footwear approved for duty use, highly polished.

(f) Patches, Badge, Name Tag, Button Covers, Insignias, and Service Stars.

(g) 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.

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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.

1025.3.2 CLASS B UNIFORM

All sworn officers, regardless of assignment, will keep and maintain in good condition, the standard uniform as specified below.

Class B Uniform Standards:

(a) Shirt: Department-approved long- or short-sleeved uniform shirt in LAPD/Navy blue with flat or pleated pockets and button covers.

(b) Body Armor:
1. Department-approved body armor only.
2. Mandatory for sworn officers in uniform.

(c) Under Shirt.
1. Short:
   - White, dark blue, or black T-shirt type with round neckline.
   - Long-sleeve compression shirts are approved for wear with short-sleeve uniform shirts.
2. Long:
   - White, dark blue, or black with round or mock turtleneck neckline.
   - Not to hang below sleeve of a long-sleeve uniform shirt.

(d) Pant: Department-approved uniform pants in LAPD/Dark Navy blue. Exterior cargo pockets are NOT authorized for the basic uniform pant.

(e) Belt: black basket weave or nylon duty belt as specified in the section of this policy regarding Duty Belt and Equipment.

(f) Footwear:
1. Black in color, police style shoe or boot.
2. The following styles will be authorized:
   - Black smooth leather oxford.

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- Black lace boot.
- Black mid-height boot.
- Other police-style footwear sold by a police uniform vendor.
- Athletic shoes will not be authorized.

(g) Socks: black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under uniform pant.

(h) Safety Vest: To be worn during traffic control and other incidents where high visibility is necessary for officer safety.

(i) Utility Coveralls (Optional):

- Navy blue colored fine line twill coveralls.
- 65% polyester and 35% cotton.
- Two front breast pockets, butted zipper.
- Waistband is to be partially shirred.
- Two back patch pockets.
- Cloth badge to be affixed to the left side breast.
- "West Valley Police" on back.
- Long or short sleeve.

(j) Raincoat (Optional):

- High visibility color with snap or zipper front closure.
- Slash pockets with grommets for badge.
- "Police" identification in bold letters on raincoat, if possible.
- Slash in weapon side for access to weapon.

(k) Winter Coat:

- Navy blue police-style coat/jacket from an approved public safety uniform supplier.
- Affixed Department-issued cloth badge.
- Affixed Department-issued patches required.

1025.3.3 CLASS C UNIFORM

Class C Uniform Standards:

(a) Shirt:

1. Ripstop material, long- or short-sleeved uniform shirt in LAPD/Dark Navy Blue with epaulets.
2. Officer First Class, FTO, or Sergeant stripes shall be affixed as outlined in the Class B uniform guidelines.

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3. Lieutenant, Deputy Chief, and Chief of Police rank insignia shall be embroidered upon the collar or affixed by ran patch on the collar (3/4" size, silver or gray in color, over a dark navy background patch when used) as outlined in the Class B uniform guidelines.

(b) OPTIONAL: Department-approved ripstop material, long- or short-sleeved, under-vest performance base shirt (no epaulets) in LAPD/Dark Navy Blue, worn with approved Class C external armor carrier.

1. The base shirt may not be worn without the Class C armor carrier outside of secure facilities.

2. The base shirt must have shoulder patches and a badge patch affixed. Rank, first initial and last name embroidered on the right chest, no taller than 5/8" and silver or gray in color.

(c) Body Armor:

1. Department-approved body armor only.

2. Mandatory for sworn officers in Class C uniform while outside secure facilities unless otherwise authorized by the Chief of Police.

3. The Class C uniform may be worn with concealable body armor in Dark Navy and Department-approved Class C external carrier.

4. High quality, professionally-produced pouches in black nylon or kydex may be added to the Class C external carrier. Pouches must be securely affixed on the carrier. The pouches must retain their shape and finish while under load. Authorized pouches include: single or double magazine pouch, Conducted Energy Device, CED (Taser) holster with molle mount, handcuff pouch, ASP baton pouch, radio pouch, OC pouch, tourniquet pouch, small utility pouch and/or BWC pouch/molle mount. Items in pouches must be securely retained. The carrier will present a professional, streamlined appearance and shall not be overloaded with pouches. Officers shall maintain the Class C external carrier in clean condition and good repair. Class C external carriers are subject to inspection by any supervisor.

5. The Class C external carrier shall be equipped with a Flex badge on the left chest, name tape on the right chest with the rank, first initial and last name (1" lettering in silver or gray over dark navy name tape). The rear panel may be equipped with a back patch marked "POLICE," with silver or gray lettering over a dark navy background. The front panel may be equipped with a single "POLICE" patch with silver or gray lettering over a dark navy background. No other patches are permitted on the Class C external carrier.

(d) Under Shirt.

1. Short:

- White, dark blue, or black T-shirt type with round neckline.
- Long-sleeve compression shirts are approved for wear with short-sleeve uniform shirts.

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2. Long:
    (a) White, dark blue, or black with round or mock turtleneck neckline.
    (b) Not to hang below sleeve of a long-sleeve uniform shirt.

(e) Pants: Department-approved navy blue tactical pant. Other pants only as approved by the Office of the Chief.

(f) Footwear:
1. Black in color.
2. The following styles will be authorized:
    (a) Black lace boot.
    (b) Black mid-height boot.
    (c) Department approvedpolice-style footwear sold by a police uniform vendor.

(g) Socks: black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under the uniform pant.

(h) Holster and Leg Shroud:
1. Officers deploying the Class C uniform may optionally place an authorized duty holster on a single strap leg shroud.
2. Officers deploying the Class C uniform may optionally place an authorized duty TASER holster on a single strap leg shroud on the support side thigh.
3. Leg shrouds will be securely affixed to the thigh(s) and will not move about unnecessarily.

1025.3.4 SPECIALIZED UNIT UNIFORMS

Parking Compliance Unit:

(a) Shirt:
1. Blauer 8133-65, Performance Colorblock Polo, high visibility upper royal blue lower black.
2. "Parking" must be on both sleeves centered, bottom edge, no taller than 5/8" and silver or gray in color.
3. Name: First initial and last name on right chest and "Parking Compliance" identification in reflective bold letters on back no taller than 3 ½" and silver or gray in color.

(b) Undershirt:
1. Short Sleeve.
    - White, dark blue, or black T-shirt type with round neckline.
    - Long-sleeve compression shirts are approved for wear with short-sleeve uniform shirts.

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2. Long Sleeve.
    - White, dark blue, or black with round or mock turtleneck neckline.
    - Not to hang below sleeve of a long-sleeve uniform shirt.

(c) Pant: Department-approved uniform pants, navy or black in color. Zip off pants are NOT authorized for the uniform pant.

(d) Footwear:

1. Plain black.
2. The following styles will be authorized:
    - Black smooth leather oxford.
    - Black lace boot.
    - Black mid-height boot.
    - Other police-style black footwear sold by a public safety uniform vendor.

(e) Socks: Black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under uniform pant.

(f) Safety Vest: To be worn during traffic control and other incidents where high visibility is necessary for officer safety.

Police Service Dog K-9 Unit:

(a) Navy blue BDU-style uniform pant.

Solo Motorcycle:

(a) Breeches cut to fit in the same style as the CHP pant stock #34337.

(b) Breeches may be made from any of the materials approved for regular uniform trousers.

(c) Motor officers are authorized to wear knit short-sleeve shirt during regular duty assignments.

(d) White ascot worn only by motorcycle officers when they ride motorcycles.

(e) Department and safety-approved Helmet.

(f) Authorized motor boot.

(g) Leather/Motor Jacket may be worn only by motorcycle officers. Custom leather black motorcycle jacket.

Bicycle:

The optional bicycle uniform is the same uniform as the Special Events Uniform with the following exceptions:

(a) Pants: Ripstop material uniform pant in LAPD/Dark Navy Blue.

(b) Shorts: Ripstop material uniform shorts in LAPD/Dark Navy Blue.

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(c) Shoes: If footwear with clipless pedals are to be utilized, shoes must still meet Department policy specifications.

(d) 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.

(e) Helmets:

1. Must be Snell and ANSI approved.
2. May be white or black. Contrasting white or black POLICE decal on the sides of the helmet.
3. Must be worn when operating the bicycle.

(f) Gloves:

1. Cycling gloves, black, full or half finger.
2. Must be worn when operating the bicycle.

(g) Eye Protection:

1. Be within Department policy specifications.
2. Must be worn when operating the bicycle.

(h) Belt Gear: The nylon belt and gear must be worn with the bike uniform.

(i) Body Armor: Officers will be required to wear Department-issued, or approved, body armor at all times while operating as a uniformed bicycle officer.

Training:

(a) Members of this Department will dress appropriately for all training.

1. Sworn members will wear the soft uniform, training uniform, or business casual clothing to training unless other instructions are given by the instructor (when the training is being conducted outside the Department), Training Unit, or the Chief of Police.
2. Non-sworn members will wear their assigned uniform or business casual clothing to training unless other instructions are given by the instructor (when the training is being conducted outside the Department), Training Unit, or the Chief of Police.

(b) The Training Uniform is designed to be worn by members of the Training Unit, officers instructing Department training, and is optional for officers attending Department training.

1. Shirt:
   - Department-approved navy blue shirt embroidered with the Training Unit logo and the name and rank of the instructor.
   - Officers assigned to the Training Unit as their primary assignment may also wear the same shirt in gray.
2. Pants:

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- Department-approved tan or khaki tactical pant.
- Officers assigned to the Training Unit as their primary assignment may also wear the same pant in green.

Soft Uniform:

(a) 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.

(b) The authorized shirt must meet the following specifications:

1. Shirt: Department-approved dark navy shirt with long or short sleeves.
2. Rank, first initial (period) and last name embroidered on the right chest, no taller than 5/8" and silver or gray in color. Rank abbreviations: "OFC.", "DET.", "SGT.", "LT.", "D.C.", "CHIEF". NOTE: When text is too long for reasonable embroidery parameters, rank may be spelled out below the first initial/last name.
3. The Department-approved cloth badge will be sewn on the left chest.

(c) Pants: Department-approved tan or khaki tactical pant. Other pants only as approved by the Office of the Chief.

(d) Socks: Black or tan socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under uniform pant.

(e) Belt must be black or tan.

(f) Footwear must be plain black or tan and may be lace-up or mid-height boots or athletic shoes. (Belt and shoe color shall match)

Utility Uniform/Coveralls:

(a) The Department-approved navy blue utility uniform/coverall may only be worn as approved by a supervisor.

(b) The utility uniform/coverall is not to be worn as casual daily attire.

(c) The Department-approved shoulder patches will be sewn on both shoulders.

(d) The Department-approved cloth badge will be sewn on the left chest

Special Events Uniform:

(a) The Special Events Uniform may be worn by officers working special events outside of their primary assignments and is optional.

1. Shirt: Blauer 8133-52, Performance Colorblock Polo, high visibility upper with dark navy lower.
   - 3 ½" reflective "POLICE" on both sleeves, in large block lettering on the back of the polo.
   - Embroidered "POLICE," in large block lettering no taller than 5/8" in dark navy thread, centered at the bottom edge of both sleeves.

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- Last name embroidered on the right chest in large block lettering, no taller than 5/8" with dark navy thread.
- 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.

2. Pant: Department-approved navy blue tactical trouser with stretch.
3. Footwear: All black athletic style shoe or tactical style boots are approved.
4. Socks: Black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under uniform pant.
5. Duty Belt: Black leather basket weave or nylon duty belt, and as specified for the Class B Uniform.

Special Operations:

(a) Detectives in the Investigation Section are authorized to wear business casual attire that is professional and does not have holes or fraying.

(b) Detectives in the Special Investigation Section are authorized to wear plain clothes that do not have holes or fraying.

(c) Socks: black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under the pant.

(d) Supervisors may deviate from this policy if it is relevant to a specific investigation.

1025.3.5 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.
- Sergeant's and Lieutenant's hat visor to be polished with silver trim strap.
- Command Staff will wear hat frame with silver embroidered visor and silver trim strap.

Utility Cap:

- Department-approved, black or dark navy blue, flex or fitted, baseball cap with or without Department-approved logo and placement. (See photo) Mesh "trucker" caps are not approved.
- Shall be worn facing forward in a traditional manner.
- May be worn with the Class C uniform, soft uniform, training uniform and special events uniform.

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- May be worn with the motorcycle uniform when not actually operating the motorcycle. When operating the motorcycle the approved helmet must be worn.

Cold weather Cap or Headband:

- Department-approved, black or dark navy blue, beanie-style hat or headband, with or without Department-approved logo and placement. (See photo)
- Hats and caps will be purchased from a police uniform vendor.

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1025.3.6 DUTY BELT AND EQUIPMENT

Duty Belt:

(a) Leather,Synthetic LeatherDuty Gear:

- Shall be black, basket weave, highly polished.
- Buckle and metal snaps shall be silver.
- Velcro and concealed snaps are approved.
- Keepers shall have snap or Velcro closure.
- Keepers will be the same.

(b) Optional Nylon Belt and Gear:

- Shall be black, police-style, nylon belt sold by a police uniform vendor.
- Velcro, black or concealed closures.
- Keepers shall be the same.

(c) Holster:

- Black.
- Basket weave if leather.
- Will cover the trigger, and the trigger guard.
- Will have acceptable weapon retention security advantages.

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- The holster shall be officer's preference and need not be of the same brand as the other duty gear. Holsters that require the use of the trigger finger to break retention are not approved for use.

(d) Handcuffs and Case:

- Department-approved handcuffs only.

(e) Radio and Case:

- Black.
- Snap or Velcro retention strap.
- Department-issued radio.

(f) OC Case:

- Black.
- Snap or Velcro retention cover.
- Department-issued OC only.

(g) Impact Weapon Holder:

- Approved ASP holder.
- Department-issued or approved ASP.

(h) Guns:

- Department-issued weapon.
- Department-approved weapon.

(i) Magazines:

- Three Department-issued magazines for Department-issued weapons. Three magazines for Department-approved weapons.

(j) Ammunition:

- Department-approvedduty ammunition only.

(k) Utility Tool/Knife:

- Optional utility tool and/or knife may be worn on belt.
- Must be in black case.
- Leather basket weave or purchased from a police supply store..

1025.4 REQUIRED EQUIPMENT

(a) All patrol personnel at the rank of sergeant and below will carry, at minimum, their service weapon with three magazines, radio, handcuffs, OC aerosol spray, conducted electrical weapon (CEW. "Taser") (if issued), and body-worn camera (BWC) while on duty. CEW devices must be carried on, and drawn from, the non-gun side. In addition, all patrol personnel at the rank of sergeant and below will have ready access to their collapsible baton and flashlight.

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(b) All personnel (sworn, civilian, or volunteer), will carry, if issued, the fluorescent green reflective traffic safety vest or the Hi-Viz raincoat (when authorized), while on duty or working secondary employment/special events. Affected personnel shall wear the fluorescent green reflective traffic safety vest available for use at all times in the following situations:

1. Directing traffic.
2. Investigating crashes.
3. Handling lane closures, obstructed roadways, and disasters.

(c) Sergeants are required to inspect this equipment regularly.

(d) Plainclothes sworn employees, including all police personnel of the rank of sergeant or below assigned to plainclothes duties, will carry their service weapon with magazines and handcuffs while on duty. The firearm must be secured in an approved holster.

1025.5 UNIFORM REGULATIONS FOR NON-SWORN PERSONNEL

(a) All non-sworn employees, unless specifically exempted by the Police Chief, shall wear the prescribed uniform when on duty.

(b) 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.

(c) Non-sworn employees in a Department-identifiable uniform will not act in any manner that causes the public or others to believe that they are a sworn officer. Non-sworn employees will correctly represent themselves as their assignment dictates.

1025.5.1 NON-SWORN ADMINISTRATIVE PERSONNEL

Uniforms for non-sworn Administrative personnel will consist of the following:

(a) Shirt:

1. Department-authorized light or dark gray button-down uniform shirt with long or short sleeves.
2. Department-authorized light or dark gray polo shirt, with long or short sleeves.
3. Shirts shall have the Department-issued patch on the left chest, and employee's first initial and last name embroidered with black or white thread on the right chest, in the same font and size as approved for sworn officers.
4. Supervisors shall have their job title (Director or Supervisor) embroidered with black or white thread below their name on the right chest, in the same manner as sworn supervisors.

(b) Pants:

1. Plain black dress pants or twill pants, without cargo pockets, suitable for wear as contemporary office attire.
2. Belts shall be plain black.

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(c) Skirt (Optional):

1. Plain black dress skirt, knee length. May only be worn with a button-down uniform shirt.

(d) Footwear:

1. Plain black shoes or boots may be worn with the black pants.
2. No backless or open-toe shoes may be worn.
3. Plain black heels or dress shoes may be worn with a skirt.
4. Socks or stockings will be plain black.

(e) Fleece Jacket or Vest (Optional):

1. Black or gray Department-approved items from an approved public safety uniform supplier.
2. Fleece jackets and vests shall have the Department-issued patch and name embroidery in the same locations as the uniform shirts.
3. Patches and embroidery may be attached with Velcro and removable.

(f) Jacket/Coat (Optional):

1. Plain black Department-approved light- or heavyweight police-style jacket/coat.
2. Shall have the Department-issued patch and name embroidery in the same locations as the uniform shirts.
3. Patches and embroidery may be attached with Velcro and removable.

(g) Cold-Weather Items:

1. Any additional items such as gloves and scarves shall be plain black.

1025.5.2 NON-SWORN INTELLIGENCE UNIT PERSONNEL

Uniforms for non-sworn personnel in the Intelligence and Information Unit (IIU) will consist of the same uniform options as for non-sworn Administrative personnel, with the following addition:

(a) Pants:

1. Non-sworn employees in the IIU may also wear black tactical pants.

1025.5.3 NON-SWORN RECORDS SECTION PERSONNEL

Uniforms for non-sworn personnel in the Records Section will consist of the same uniform options as for non-sworn Administrative personnel.

1025.5.4 NON-SWORN EVIDENCE UNIT PERSONNEL

Uniforms for non-sworn personnel in the Evidence Unit will consist of the same options as for non-sworn Administrative personnel, with the exception that skirts will not be allowed. The following additional options are allowed for Evidence Unit uniforms, consistent with working in the Property Room environment:

(a) Pants:

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1. Evidence Unit employees may also wear black tactical pants, or dark black (non-faded) jeans.

1025.5.5 NON-SWORN FORENSICS SECTION PERSONNEL

Uniforms for Forensics Section personnel will consist of the same uniform options as for non-sworn Administrative personnel with the exception that skirts will not be allowed. The following are additional uniform options for the Forensics Section:

(a) Pants:

1. Forensics Section employees may also wear black tactical pants.
2. Supervisors may authorize exceptions to the uniform policy for events such as laboratory cleaning and similar tasks that may arise.

(b) Shirts:

1. Shirts shall have the Department-issued patch on the left chest, and employee's first initial and last name embroidered with white thread on the right chest, in the same font and size as approved for sworn officers.

(c) The following protective attire will be worn while working within the Forensic Services laboratory processing area:

1. White laboratory coat.
2. Protective latex or neoprene gloves.
3. Safety eye wear when handling chemicals.

(d) Additional items for field work and responding to crime scenes:

1. Any additional clothing such as rain jackets, coats, hats and vests may exhibit the Forensics Section patch and embroidery as approved for other uniform items. Patches and embroidery may be attached with Velcro and removable.
2. The Forensics Section uniform may have a Department-authorized black and silver patch or "FORENSICS" embroidered on the back of uniform jackets, designed to be visible in the field.

1025.6 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:

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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 closest 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.

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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.

1025.6.1 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 14th 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.

1025.7 COURT ATTIRE

Uniformed officers and other employees of this Department shall present a professional demeanor and appearance while attending court on behalf of the city, county, state or federal government.

(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 government shall wear:

1. Slacks or dress pants.
2. Long-sleeve button dress shirt with a tie.
3. Dress suit.
4. Sports coat and tie or a v-neck sweater.
5. Socks: black socks will be worn with any footwear that allows the sock to be seen under the pant.

(c) Female employees appearing at any court proceeding on behalf of the city, county, state or federal government shall wear:

1. Dress, skirt, or slacks. The skirt shall be no shorter than the top of the knee.
2. Button-down shirt or blouse.
3. Blazer.
4. Classic heels no higher than three inches, loafers, or flats.

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(d) Uniformed employees appearing at any court proceeding on behalf of the city, county, state or federal government have the option to wear:

1. Department-approved uniform as specified in this policy governing authorized attire.
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 are allowed if it is the regular, assigned uniform.

This policy shall apply to all members of this Department regardless of current assignment.

1025.8 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 on any Web site.

1025.9 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 the Department-Owned and Personal Property Policy.

1025.10 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

(a) 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.

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(b) 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.

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Nepotism and Conflicting Relationships

1026.1 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.

1026.1.1 DEFINITIONS

Definitions related to this policy include:

Appointee - An employee whose salary, wages, pay, or compensation is paid from public funds (Utah Code 52-3-1).

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.

Household member - A person who resides in the same residence as the public officer (Utah Code 52-3-1).

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 officer - An employee who holds a position that is compensated by public funds.

Relative - An employee's father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law (Utah Code 52-3-1).

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.

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1026.1.2 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:

(a) Relatives may not be employed within the same City department.

(b) Relatives of the Mayor, City Council Members, the City Manager, Assistant City Manager, or any Department Head, shall not be employed by the City.

(c) 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, employment of one of the employees will be terminated.

(d) 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.

(e) 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 a. and b. above apply to all employees including non-benefited, temporary or part-time employees.

1026.2 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) West Valley City Policy-Personal Relationships in the Workplace-states: The purpose of this policy is to protect employees from coercive or hostile relationships that may damage morale and reduce productivity because of bias, favoritism, or harassment. Personal relationships are defined to include intra office dating, cohabitation or any other relationship that could give rise to an actual or perceived conflict of interest or appearance of favoritism. It is recognized that certain personal relationships between supervisors and their subordinates could lead to actual or perceived conflicts of interest, favoritism or sexual harassment. A supervisor should not be involved in a personal relationship with a subordinate. Supervisors who have dated or are dating another employee should not supervise or evaluate that employee. If an employee is hired, promoted, transferred, or otherwise changed into a position that would violate this policy, the situation should be immediately reported to the Human Resource Office who will discuss the concerns with the employees involved. The City will evaluate each situation and determine what changes need to take place to comply with this policy. If no changes can be made an employee may be transferred or terminated.

    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

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or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(a) 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.

(b) Whenever possible, FTOs and other trainers will not be assigned to train household members.. 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.

(c) 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.

(d) 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.

1026.2.1 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.

1026.2.2 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.

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Department Badges

1027.1 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.

1027.2 STANDARD

The uniform badge shall be issued to Department members as a symbol of authority. 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.

1027.2.1 ADDITIONAL BADGES

Sworn officers, with the approval of the Chief of Police may purchase, at their own expense, a uniform badge, flat badge (capable of being carried in a wallet), or a detective badge. The use of these badges are subject to the same policies as the Department-issued uniform badge.

(a) Should an additional badge become lost, damaged or otherwise removed from the officer's control, the officer shall make the proper notifications as outlined in the Department-Owned and Personal Property policy.

(b) An honorably retired officer may keep their flat badge upon retirement.

1027.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement, employees may keep their 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.

1027.3 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 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 their Department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

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1027.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the express 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 express approval of the Chief of Police.

1027.5 PHOTO IDENTIFICATION

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.

1027.6 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).

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(a) Civilian personnel shall not display any Department badge on their uniforms.

(b) Civilian personnel shall not display any Department badge or represent themselves, on or off duty, in a manner which would cause a reasonable person to believe that they are a sworn peace officer.

1027.7 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.

1027.8 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.

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Temporary Modified-Duty Assignments

1028.1 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 is limited to a period of 90 days, except in the case of pregnancy as stated in City policy, and is subject to review.

1028.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification.

1028.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Utah Antidiscrimination Act (Utah Code 34A-5-101 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the West Valley City Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1028.4 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

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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, considering the needs of the Department, limitations of the employee, suitability of 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.

1028.4.1 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 they are re-assigned to another modified-duty assignment, cleared for full duty, or removed/excluded from assignment to modified duties. The section commander or other assigning supervisor has discretion to reassign 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.

1028.4.2 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 temporary modified 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 restricted to performing a modified duty assignment, the supervisor of the modified-duty assignment shall notify the section commander, documenting and coordinating the change

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as necessary. All training and certification necessary for return to regular duty shall be reviewed and updated as necessary.

1028.4.3 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 the employee is capable of performing the basic and essential job functions of his/her assignment.

1028.5 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Utah Code 34A-5-106(1)(g)).

1028.5.1 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.

1028.5.2 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.

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1028.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1028.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Military Deployment and Reintegration

1029.1 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.

1029.2 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

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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.

1029.3 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.

Pre-deployment

(a) 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.

(b) Members will participate in an "exit interview" with the Public Safety Human Resources Senior Advisor prior to deployment to establish the following:

1. 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.
2. 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.

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Deployment

(a) Deployed employees will maintain periodic communication with the Public Safety Human Resources Senior Advisor regarding status changes.

(b) A deployed employee may direct requests for assistance regarding personal or family needs to the West Valley City Peer Support supervisor or team member.

(c) The Training Section will maintain a record of any certifications, qualifications, and applicable Department training missed by employees during deployment.

(d) 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.

(e) The Department will make reasonable efforts to notify deployed employees of promotional opportunities and accommodate testing processes.

Reintegration

(a) 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:

1. The completion of any necessary paperwork regarding salary or benefits with the Public Safety Human Resources Senior Advisor.
2. The return of any equipment stored by the Department during deployment.
3. The need for any medical examinations or psychological evaluations for the member.

(b) The Training Section will schedule required weapons qualifications/re-certifications.

(c) The T.A.C. Coordinator will arrange for any necessary NCIC re-certifications.

(d) The Accreditation Manager will verify returning employees have received all policy updates.

(e) 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.

1. 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.

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Speech, Expression, and Social Networking

1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the West Valley City Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected 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 a member from speaking as a private citizen about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1030.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the West Valley City Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members 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 Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1030.3 SAFETY

Members of the Department should carefully consider 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 West Valley City Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member'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 Department member.

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- Otherwise disclosing where another officer can be located off-duty.

1030.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the West Valley City Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen 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 Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions 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 members of the Department (e.g., 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 members 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 Department.

(f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (Utah Code 67-16-4).

(g) Posting, transmitting, or disseminating any photographs, digital media 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.

Members 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 member (e.g., social or personal website).

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1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens, members may not represent the West Valley City Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police (Utah Code 20A-11-1206):

(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, or public broadcast; or on any website.

(e) Use the email of West Valley City Police Department for any political purpose (Utah Code 20A-11-1205).

Additionally, when it can reasonably be construed that a member, acting in their individual capacity, is affiliated with this Department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the West Valley City Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1030.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

The Department may not require a member to disclose a username and/or password that allows access to the member's personal internet accounts (Utah Code 34-48-201).

1030.6 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 the 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 members.

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(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their 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.

1030.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

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Employee Wellness Initiative Public Safety Therapist / Counselor

1031.1 PURPOSE AND SCOPE

The West Valley City Police Department is committed to ensuring, whenever possible, the safety and well-being of all members. Department employees may experience events that will evoke intense emotional reactions (trauma), or cumulative trauma over time, and can threaten to overwhelm their usual psychological coping abilities. The Department recognizes that its members will experience the same stressors and mental health issues as the general population and, in addition, those stressors which are unique to the profession of policing and to police family life. The purpose of this policy is to provide guidance on how the Public Safety Therapist/Counselor will respond to stressors and traumatic events experienced by Department members in a timely and effective manner that enhances the affected employees' psychological well-being and their ongoing capability to carry out their duties with professionalism.

1031.2 POLICY STATEMENT

The Department supports and encourages employees' obtaining high quality, confidential, therapeutic assistance. In keeping with this commitment, the Department has established the Employee Wellness Initiative, staffed with a Public Safety Therapist/Counselor, teamed with trained Peer Support Team members who provide confidential counseling and consultation.

(a) Emotional problems may have a negative impact on performance, and, in extreme instances, may present a danger to the welfare and safety of individual officers and civilian personnel, their families, the public, coworkers and fellow officers.

(b) The Employee Wellness Initiative shall provide Department members with access to mental health services.

(c) The Employee Wellness Initiative is governed by a policy of confidentiality as allowed by law, which mandates that no information, including identifying factors, identifying biographical material, clinical notes, or therapy issues can be reported to, or requested by, the Department. Individual employees should expect, and shall be granted, complete privacy when seeking counseling assistance through the Employee Wellness Initiative in accordance with Utah State law.

1031.3 DEFINITIONS

Definitions related to this policy include:

Traumatic incident – A traumatic or critical incident is a mentally painful and highly stressful event that cannot be resolved through normal, stress-coping mechanisms. These events may cause disabling emotional and physical problems unless Department members are adequately treated. A traumatic incident is defined by an individual's unique, internal reaction to an event, not necessarily the external appearance or apparent magnitude of the event. It is not necessarily a life-threatening incident.

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Common incident – Common incidents that pose the increased potential for trauma include, but are not limited to:

- Shootings
- An actual or perceived threat to one's life or of grievous physical harm
- Suicide or suicide attempt by a colleague
- Serious injury inflicted on, or death of, a colleague
- Serious injury or death of someone outside the Department, especially a child, under particularly tragic or grotesque circumstances
- Cruelty to/abuse of a child
- Line of duty contact with friend/relative during a tragic/traumatic event
- Death of or injury to a person resulting from duty operations
- Perceived 'failure' during a tragic/traumatic event
- Large scale or prolonged disaster
- Events with high media exposure
- Any tragic/traumatic event that may have private/personal emotional significance to a member of the Department, particularly when the event is characterized by relative surprise; intense negative emotion; and perceived helplessness.

Traumatic Incident Team – A group of individuals with varying levels of mental health training who are responsible for responding to traumatic incidents and providing mental health triage and assistance. The Team includes the Peer Support Program Coordinator, Public Safety Therapist/ Counselor, police chaplains, Peer Support Team members and if necessary, an external mental health professional.

Peer Support Team – Members of the Department, sworn and non-sworn, who have received training in assisting in traumatic or critical incidents. Peer Support Team members are not a substitute for professional help.

1031.4 GENERAL

(a) The Employee Wellness Initiative is staffed by a licensed mental health professional(s).

(b) The Employee Wellness Initiative office can be contacted Monday through Thursday between the hours of 8:00 a.m. and 5:00 p.m. by phone at (801) 232-0276, text message, e-mail to miriah.ike@wvc-ut.gov or by visiting the office on the third floor of the Department, and on an as-needed basis outside of business hours. E-mail contact can be made 24 hours a day, 7 days a week, and will be responded to during the following work week. Emergency contact can be made for call outs or specific incidents.

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(c) The Employee Wellness Initiative Coordinator can be reached by phone after hours by the on-scene supervisor when a traumatic incident occurs. Department members' self-referrals occurring after hours will be contacted the following day. If there is an emergency, members should contact the Employee Wellness Initiative on a call-out basis.

(d) The services of Public Safety Therapist/Counselor may be invoked by employee self-referral or, in the case of a Department member experiencing a life-threatening traumatic incident, by referral of the Department member by a supervisor or Peer Support Team member.

(e) All Department employees will be mandated to attend a minimum of 2 sessions per year, which will be scheduled by the Public Safety Therapist according to hire date. Higher risk/exposure units will be mandated to attend a session once per quarter, or four times per year. Additional therapeutic services beyond this are voluntary.

(f) All services offered by the Employee Wellness Initiative are available to all Department members.

(g) All counseling services provided by the Employee Wellness Initiative are at no cost to the employee. Referrals to a private therapist, specialist, outside agency, hospital, or non-Department providers, may not be covered by the program. Information regarding referral sources, credentials, programs, and the level of care provided may be obtained by the Employee Wellness Initiative or Human Resources. The Public Safety Therapist/Counselor may conduct follow-up sessions with Department members after they receive counseling services from an outside entity to ensure the quality of care provided by the outside entity is satisfactory to the employee.

(h) The Employee Wellness Initiative has been established to provide confidential supportive assistance, including peer assistance in partnership with the Peer Support Team, and referral services for all Department employees. Comprehensive services may include, but are not limited to:

1. Stress management training;
2. Alcohol and substance abuse support services and prevention training;
3. Individual counseling;
4. Grief counseling;
5. Communication skills;
6. Anger management and conflict resolution;
7. Traumatic incident stress management;
8. Referrals to pastoral counseling;
9. Gambling and addiction;
10. Debt management.

(i) The services provided by the Employee Wellness Initiative are designed and tailored to meet the unique needs of each Department member. This is accomplished by maintaining a network of quality resources (i.e., treatment facilities, self-help and

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support groups, and stress management training), which allows the program to respond promptly to the needs of each individual.

(j) The Public Safety Therapist will not conduct Fitness for Duty evaluations of any kind. These evaluations, if needed, will be contracted with providers outside of the Department.

1031.5 CONFIDENTIALITY

(a) The Employee Wellness Initiative will provide a trained mental health professional to advise Department members of any limitations regarding confidentiality with the mental health professional prior to the start of counseling.

(b) Counseling notes shall not be examined by any member of the Employee Wellness Initiative regarding any employee in counseling unless prior written approval has been obtained from the employee.

(c) No personally identifying information will be shared with the Department or Human Resources.No audit or review by the West Valley City Police Department may be conducted of the counseling documents maintained by the Employee Wellness Initiative. Department members will be provided with an informed consent form that includes the protections afforded to them before receiving counseling services from the Employee Wellness Initiative.

(d) No recording of any kind, audio or visual, will be permitted in the Public Safety Therapist's office during sessions or meetings.

(e) Confidentiality is protected according to the following laws:

1. Federal Rule of Evidence 501 is a general rule of evidence which states that no federal rule of evidence will modify or supersede existing law relating to the privilege of a witness, person, government, state or political subdivision.
2. Rule 506 of the Utah Rules of Evidence provides a confidentiality privilege protecting mental health professionals from being required to disclose any information acquired from persons consulting with a mental health professional in his or her professional capacity.
3. The exceptions to confidentiality for the Employee Wellness Initiative are outlined in Utah Code 58-60-114.

The rules of evidence regarding communications made to a Peer Support Team member differ from those made to a licensed mental health professional. For the exceptions to confidentiality regarding the Peer Support Team members, refer to the policy regarding Peer Support.

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Peer Support

1032.1 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. 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.

1032.2 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.

1032.3 MISSION STATEMENT

The mission of the 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 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 individuals and their families, and to respect the feelings of the individuals involved.

1032.4 TEAM STRUCTURE

The Peer Support Team is part of the Office of the Chief of Police and is supervised by the lieutenant assigned to the role of Chief’s Executive Officer.

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The Team supervisor should be an employee in the rank of sergeant or higher, or the civilian equivalent, and shall be responsible for the Peer Support program and coordination of the Peer Support Team.

1032.5 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.

1032.6 CONFIDENTIALITY AND NOTIFICATIONS

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.

Utah Code 78B-5-905(3) provides that, in accordance with the Utah Rules of Evidence, a Peer Support Team member may refuse to disclose communications made by a person participating in Peer Support services, including group therapy sessions. This applies only to communications made during individual interactions conducted by a Peer Support Team member who is:

(a) acting in the Peer Support Team member's capacity as a law enforcement or firefighter Peer Support Team member or an emergency medical service provider or rescue unit Peer Support Team member; and

(b) functioning within the written Peer Support guidelines that are in effect for the Peer Support Team member's respective law enforcement agency, fire department, emergency medical service agency, or rescue unit.

This State law does not apply if:

(a) a law enforcement or firefighter Peer Support Team member or emergency medical service provider or rescue unit Peer Support Team member was a witness or a party to the incident that prompted the delivery of Peer Support services;

(b) information received by a Peer Support Team member is indicative of actual or suspected child abuse, or actual or suspected child neglect;

(c) the person receiving Peer Support is a clear and immediate danger to the person's self or others;

(d) communication to a Peer Support Team member establishes reasonable cause for the Peer Support Team member to believe that the person receiving Peer Support services is mentally or emotionally unfit for duty; or

(e) communication to the Peer Support Team member provides evidence that the person who is receiving the Peer Support services has committed a crime, plans to commit a crime, or intends to conceal a crime.

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 on-duty Watch Commander, the

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Peer Support Team supervisor, and the Chief's Executive Officer by the involved Peer Support Team member upon occurrence of 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 supervisor or the Chief's Executive Officer for review and/or appropriate action.

1032.7 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.

1032.8 CALLOUT GUIDELINES

The Peer Support Team supervisor 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 supervisor is unavailable, contact will be made with any member of the Peer Support Team. As soon as feasible, the Team member will contact the supervisor to advise of the callout. The Peer Support Team supervisor will electronically notify the Chief’s Executive Officer of any Team callout without unnecessary delay.

Mandatory Response:

(a) OIS;

(b) Serious injury or death of a coworker whether during an incident, enroute to or leaving a scene, or during a training exercise;

(c) Mass casualty incidents;

(d) In 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;

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(f) In any incident classified as traumatic and/or in which an employee requests support, Peer Support callout will be initiated.

1032.9 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.

1032.10 SELECTION PROCESS

The team selection process will be completed under the direction of the Team Supervisor.Final approval of successful applicants will be conducted by the Office of the Chief.

1032.11 TRAINING

Peer Support Team members shall complete a Peer Support Training program approved by the Utah Department of Public Safety, Peace Officer Standards and Training Division (POST), the State Fire Marshal's Office, or the Health Department, as applicable.

The Team Supervisor 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 Team Supervisor.

1032.12 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 policy regarding Overtime and Compensation. 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.

1032.13 TEAM MEMBER PARTICIPATION

Peer Support Team membership is a voluntary collateral assignment and may be withdrawn by the Office of the Chief at any time.

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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.

The Team supervisor will memorialize additions to and withdrawals from the team roster through an IDC that is directed to the Peer Support Team file, the employee's file and the Chief's Executive Officer for the purpose of updating the employee's service record.

1032.14 OPERATIONS ANNUAL REVIEW

The Peer Support Team Supervisor 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.

The Peer Support Team supervisor will produce annual reports on Team staffing, activities and utilization at the direction of the lieutenant assigned as the Chief's Executive Officer.

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Early Intervention Program (EIP)

1033.1 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 (EIP). This program is a management tool for identifying signs of potential issues concerning the performance of Department employees.

1033.2 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.

Early Warning Notification – A notification when an employee meets or exceeds a predetermined threshold for uses of force, complaints, or vehicle damage within an established time frame.

Early Intervention Notification - A notification when an officer meets or exceeds a predetermined threshold of highly emotional, high-stress, or high-risk incidents 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.

1033.3 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 that may indicate potential performance issues.

A notification 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 on helping employees who may benefit from intervention.**

1033.4 PROCEDURE

(a) The EIP system automatically receives information on complaints, uses of force, vehicle accidents, vehicle pursuits, or other documented performance issues, from the Department's personnel management software program.

(b) The EIP system will be configured to generate an alert when an employee accumulates a certain number of incidents within a specified period. Incident information will be

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collected in the following areas, and an alert will be generated when the following thresholds have been met

1. Complaints, (internal and external) - 2 entries in 365 days.
2. Internal Affairs Investigations - 2 entries in 365 days.
3. Use of Force Incidents – 4 entries in 45 days for Patrol, or 5 entries for Street Crimes Units or K-9 Officers.
4. Vehicle Accidents – 2 "at-fault" accidents in 365 days.
5. Vehicle Pursuits - 2 entries in 90 days.

1033.5 SUPERVISOR RESPONSIBILITIES

(a) This policy does not supersede a supervisor's responsibility to take appropriate action if violations of policy or statute are found.

(b) 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. Supervisors will notify their lieutenant whenever subordinates are involved in a highly emotional, high-risk, or high-stress incident.

(c) When the early-warning or the early-intervention reporting system identifies an employee who has met or exceeded the thresholds of the system, a notification will be generated. A member of the Administrative Services Bureau will analyze the notification and determine if further action is warranted. If action is warranted, the Administrative Services Bureau Lieutenant will generate an internal complaint in the Department's personnel management software labeled "Early Warning Intervention" and forward it to the involved officer's chain of command. This complaint will be used to document and track the steps taken.

(d) The lieutenant will review the incidents which created the notification. Based on the information contained in the reports and any other pertinent evaluation information, the employee's lieutenant will determine what level of intervention is appropriate.

(e) If supervisory intervention is not necessary, the lieutenant shall document their review in the Department's personnel management software 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 finalize the review.

1. Documentation shall include a brief summary of the incidents triggering the notification and any other information including, but not limited to, input from the officer's sergeant used to make the determination.

(f) 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, meetings, recommendations, and justifications will be forwarded to the employee's deputy chief, via the Department's personnel management software, for final review.

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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 mandatory and non-disciplinary in nature.
2. The purpose of the supervisory intervention is to review with the employee their 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.

1033.6 PROGRAM EVALUATION

Annually, the Administrative Services Bureau will conduct a documented review of the EIP, including established warning thresholds and timeframes, and make recommendations for modifications, as necessary, to the Chief of Police.

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Line-of-Duty Deaths

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the West Valley City Police Department in the event of the death of an employee occurring in the line of duty and to direct the Department in providing proper support for the employee's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1034.1.1 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 found on the West Valley City Intranet website.

1034.1.2 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a civilian Department member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased employee, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the employee and whether the individual was previously designated by the deceased Department member.

1034.2 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a death in the line-of-duty of a Department member, the deceased employee's supervisor should provide all reasonably available information to the Watch Commander and Dispatch.

  (a) Communication of information concerning the Department member and the incident should be restricted to secure networks to avoid interception by the media or others.

(b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the employee has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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(d) The Chief of Police or the authorized designee should assign Department members to handle survivor notifications and assign employees to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable.

1034.3 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased employee's emergency contact information and make accommodations to respect the employee's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the Department member's wishes.

The Chief of Police, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in Department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting child care or other immediate needs.

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(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison, if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other West Valley City Police Department members may be apprised that survivor notifications are complete.

1034.4 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. This includes assisting with application for assistance when eligible for benefits through the Public Safety Officers' Benefits Program (PSOB). (2022 US HR 6943)

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 work 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.

1034.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or Department members designated by the Chief of Police are responsible for notifying Department employees of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all employees on duty at the time of the incident. Department members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Department members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those employees who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Department members who have a close bond with the deceased employee should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for employees who are especially affected by the incident.

Supervisors should direct Department members not to disclose any information outside the Department regarding the deceased employee or the incident.

1034.6 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 Department 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.

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LEFTA Systems Software

1035.1 PURPOSE AND SCOPE

This policy establishes a procedure for using the LEFTA software in accordance with the requirements set forth by the Administrative Services Bureau, Professional Standards Section and Training Unit.

In order for statistics in LEFTA to be up to date and complete, information must be uniformly entered in the LEFTA software system by employees and supervisors.

Employees will enter data regarding employee-involved traffic accidents or vehicle damage, uses of force, vehicle pursuits, firearm discharges, internal complaints, and external complaints into LEFTA. This information 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 through LEFTA. The Watch Commander or Section Lieutenant (or civilian equivalent) will review the incident and forward the report through LEFTA.

1035.2 PROCEDURE

1035.2.1 LEFTA ENTRIES

LEFTA 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 entries in LEFTA 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 uses of force, firearm displays and conducted energy weapon displays will be entered into LEFTA by the involved employees and forwarded to their supervisor. A show of force occurs when a firearm, firearm designated for less lethal deployment, or taser 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.

1. Physical Force

    i. 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. Conducted Energy Device, CED (Taser) display/discharge
4. ASP or other approved impact weapons
5. Less than lethal force or equipment/munitions
6. K-9 display/bite

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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 the policy regarding Personnel Complaints.

All entries in LEFTA for the above-referenced incident types shall be complete and forwarded through the appropriate chain of command within 30 days of the incident.

1035.2.2 LEFTA ADMINISTRATORS

The Department administrators for the LEFTA software program are responsible for the maintenance and setup of the program, including adding users and levels of access for authorized users. Administrators may not change any approved access authority levels without prior approval from the Chief of Police or the Chief's designee.

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Attachments

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Photos - Facial Hair Approved and Not Approved Examples.pdf

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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

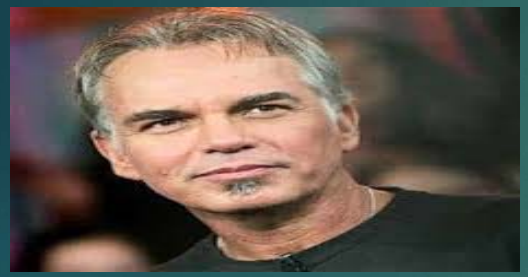
NOT APPROVED EXAMPLES

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

PIP - Example of Notice of Deficiency.pdf

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WEST VALLEY CITY POLICE DEPARTMENT

INTRADEPARTMENTAL CORRESPONDENCE

TO: OFFICER EXAMPLE
FROM: SGT. SAMPLE
SUBJECT: NOTICE OF PERFORMANCE DEFICIENCY
DATE: DATE OF MEETING
CC: LEFTA - METR

Dear Officer Example,

Summary

During the last several months, it has been determined that your work performance is below the standard of "Meets Expectation" for a West Valley City Police Officer in the area of your quality of work. Over the past six months, you have been on the Records "Kickback" list more often than is acceptable.

The West Valley City Police Department values you as an employee and desires to see you reach the level of "Meets Expectation" in this performance standard area. Therefore, you are being given this Notice of Performance Deficiency with a time period of thirty (30) days to bring your level of performance in the area of quality of work to the level of "Meets Expectation."

Specific Area of Concern / Deficiency

Over the past six months, I have noticed a deficiency in the quality of your work. This resulted from a review of how often your reports have been on the Records "Kickback" list. Here is a list by month of the number of times your reports were on the "Kickback" list of over the past six months:

June - 9 kickbacks
July - 12 kickbacks
August - 18 kickbacks
September - 4 kickbacks
October - 14 kickbacks
November - 17 kickbacks

This is an average of 3 kickbacks per week.

Performance Standard

In order for you to achieve the standard of "Meets Expectation" in the area of quality of work, you must bring the average number of kickbacks per week down to one or fewer per week.

Impact of the Employee's Performance and / or Behavior

Not meeting the expectation in the area of quality of work results in negative results for other stakeholders in the reporting process. For example, the Records Section must process a high volume of reports each

day. Having reports in que for processing causes a backlog of their process. Additionally, detectives must receive cases in a timely manner in order to conduct a proper investigation and meet screening deadlines with the Prosecutor's office. Victims of crimes expect prompt police action and follow-up that can only come from officers producing reports that meet the expectation for quality work.

Previous History of Meetings / Discussions/Documentation

On July 16, 2018 we sat down for our monthly inspection and meeting. I related that you had been on the "Kickback" list 9 times in June and had already been on the list 10 times in July. I told you that it was unacceptable to be on the "Kickback" list that often and indicated that the expectation was to have an average of one or fewer kickbacks per week. You said you understood and would work to not be on the list next month. This was documented on the monthly meeting form in Performance Impact.

On August 24, 2018, I noticed that you had 18 kickbacks. I called you into the office and informed you that this was well above the expectation that I had set forth in July during our monthly meeting. I reiterated the expectation of one or fewer kickbacks per week and you said you understood. This conversation was documented in Performance Impact on that date.

On October 20, 2018, I noticed that you had 14 kickbacks. I called you into the office and issued you a letter of Non-Disciplinary Instruction informing you that your quality of work in the area of report kickbacks was below expectation. We reviewed several of the specific report kickbacks and found that 3 were for not submitting the reports on time, 6 were for missing attachments, and 5 were for incomplete DI9 reports. We reviewed the necessary attachments for each type of case, the process for uploading reports into the report system, and we spent time discussing how to properly complete a DI9 report. I reiterated that the performance expectation was to have an average of one or fewer kickbacks per week. This information was documented in the letter of Non-Disciplinary Instruction which was entered into Performance Impact.

Notice

After several documented discussions and a letter of Non-Disciplinary Instruction, you still had 17 Records "Kickbacks" in November 2018. This is well above the stated expectation of one or fewer "Kickbacks" per week.

As of today, December 23, 2018, you have thirty (30) days to bring your performance in the area of quality of work to the level of "Meets Expectation" as described above. Failure to bring your performance to that level will result on you being placed on a formal Performance Improvement Plan.

Please contact me if there is any specific training or guidance that can help you achieve this expectation.

Acknowledgement

By signing below, I acknowledge that this Notice of Performance Deficiency has been received and understood.

_____ _____

Employee Signature Date

_____ _____

Supervisor Signature Date

PIP - Example of Feedback Meeting.pdf

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WEST VALLEY CITY POLICE DEPARTMENT

INTRADEPARTMENTAL CORRESPONDENCE

TO: OFFICER EXAMPLE
FROM: SGT. SAMPLE
SUBJECT: PIP WEEKLY FEEDBACK MEETING
DATE: DATE OF MEETING
CC: LEFTA - METR

Dear Officer Example,

On February 11, 2018 at 1500 hours, we met to discuss your progress in the Performance Improvement Plan.

On February 3, 2018, we met and reviewed West Valley City Police Department policy 316.10 and how it relates to report preparation and documentation. You indicated that you understood the policy.

On February 4, 2018, you were assigned to the Traffic Division with a Traffic FTO to receive field training on completing DI9 reports. After speaking with the Traffic FTO, he indicated that you took three DI9 reports and had only minor errors to correct. At the end of that shift, you only had one issue that would have resulted in a Records "Kickback." The FTO said he provided training regarding that area, which was how to properly format the address on the DI9 form.

On February 6, 2018, you spent 6 hours assigned to the Records Department. Records Clerk Jones indicated that she showed you their process for entering and managing reports from patrol officers. She also provided training on what attachments are necessary for domestic violence cases, traffic crashes, stolen vehicle reports, vehicle tows, and theft-related reports.

On February 7, 2018, you were assigned to FTO Johnson for a period of one week. During that week, FTO Johnson provided basic field instruction in the area of report writing and documentation. FTO Johnson said during the week you took seven long form reports that included two domestic incidents, a DI9, a burglary report, and 3 vehicle theft reports. FTO Johnson reported that you completed all necessary reports and paperwork with no issues.

Each day for the past week, we have met at the end of the shift to review your packet and reports. While reviewing your packet, I found one vehicle theft report that was missing the Affidavit of Theft. We reviewed the procedure for vehicle theft reports and how to properly complete the form.

During today's meeting, you indicated that you have understood the training provided during the past week and feel like you are making progress. You had no concerns to address.

Next week, we will continue to meet at the end of each shift to review your reports and packet. We will also continue to review and complete each of the remaining Strategies for Successful Outcome objectives listed in the Performance Improvement Plan.

Disciplinary Matrix 3-17-2026.pdf

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DISCIPLINARY MATRIX – 3/17/2026

BEHAVIOR	A	B	C	D	E
INSUBORDINATION		✓			
RUDE, DISCOURTEOUS, OR INAPPROPRIATE COMMENT(S), BEHAVIOR OR GESTURES TO INCLUDE PROFANE OR OBSCENE LANGUAGE	✓				
CONDUCT UNBECOMING		✓			
SEXUAL MISCONDUCT					✓
MISREPRESENTING FACTS	**A**	**B**	**C**	**D**	**E**
ALL MISREPRESENTATION OR GIVING FALSE OR MISLEADING STATEMENTS					✓
FAILURE TO RESPOND TRUTHFULLY AFTER GARRITY WARNING					✓
OFF DUTY VIOLATIONS	**A**	**B**	**C**	**D**	**E**
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	**A**	**B**	**C**	**D**	**E**
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	**A**	**B**	**C**	**D**	**E**
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 RELEASE OF FOUND PROPERTY		✓			

DISCIPLINARY MATRIX – 3/17/2026

HARRASSMENT & DISCRIMINATION	A	B	C	D	E
SEXUAL/RACIAL/ETHNIC/RELIGIOUS/SEXUAL ORIENTATION					✓
HARRASSMENT/DISCRIMINATION					✓
ALL OTHER HARRASSMENT/DISCRIMINATION					✓
FIREARM/WEAPON VIOLATIONS (INCLUDES LESS-LETHAL WEAPONRY)	**A**	**B**	**C**	**D**	**E**
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		✓			
FAILURE TO REPORT A FIREARM DISPLAY		✓			
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		✓			
DEPARTMENT VEHICLE ACCIDENTS (AT FAULT)	**A**	**B**	**C**	**D**	**E**
FIRST OR SECOND "CATEGORY A" ACCIDENT, AS DETERMINED BY THE ACCIDENT REVIEW COMMITTEE, WITHIN 3 YEARS	✓				
FIRST OR SECOND "CATEGORY B" ACCIDENT, AS DETERMINED BY THE ACCIDENT REVIEW COMMITTEE, WITHIN 3 YEARS: TWO WEEK DRIVING ASSESSMENT		✓			
"CATEGORY C" ACCIDENT, AS DETERMINED BY THE ACCIDENT REVIEW COMMITTEE: THREE WEEK DRIVING ASSESSMENT AND ADMINISTRATIVE INVESTIGATION			✓		
GROSS DISREGARD OF SAFETY RESULTING IN AN ACCIDENT			✓		
FAILURE TO REPORT AN ACCIDENT					✓
USE OF FORCE	**A**	**B**	**C**	**D**	**E**
FAILURE TO FOLLOW DE-ESCALATION POLICY	✓				
DUTY TO INTERVENE VIOLATION		✓			
ANY ACTION THAT IS CONTRARY TO OR OUTSIDE OF THE TRAINING PROVIDED BY THIS DEPARTMENT, WITHOUT REASONABLE JUSTIFICATION		✓			
UNREASONABLE USE OF FORCE - DEFINED AS FORCE THAT IS OUTSIDE WHAT AN ORDINARY AND PRUDENT LAW ENFORCEMENT OFFICER WOULD USE AND IS CONSIDERED EXCESSIVE				✓	
FAILURE TO REPORT A USE OF FORCE			✓		
NEGLECT	**A**	**B**	**C**	**D**	**E**
FAILURE TO ASSIST/BACK-UP ANOTHER OFFICER WHILE ON-DUTY				✓	
FAILURE TO TAKE NECESSARY POLICE ACTION WHILE ON-DUTY		✓			
NEGLECT OF DUTY		✓			

DISCIPLINARY MATRIX – 3/17/2026

INVESTIGATION VIOLATIONS	A	B	C	D	E
VIOLATIONS OF PROCEDURES FOR PRELIMINARY AND FOLLOW-UP INVESTIGATIONS		✓			
FAILURE TO SUBMIT OR FILE REQUIRED REPORTS	✓				
VIOLATION OF THE REPORT PREPARATION POLICY	✓				
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	**A**	**B**	**C**	**D**	**E**
IMPROPER OR UNAUTHORIZED DISSEMINATION OF INVESTIGATIVE INFORMATION				✓	
IMPROPER OR UNAUTHORIZED DISSEMINATION OF DEPARTMENTAL INFORMATION				✓	

DISCIPLINARY MATRIX – 3/17/2026

MISCELLANEOUS VIOLATIONS	A	B	C	D	E
VIOLATION OF THE BODY WORN CAMERA POLICY	✓				
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		✓			
TIMECARD VIOLATION		✓			
COURT APPEARANCE VIOLATIONS (i.e. LATENESS, FAILURE TO PROVIDE REQUIRED PAPERWORK)	✓				
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		✓			
UNAUTHORIZED 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**
ENGAGING IN CONDUCT CONSTITUTING A STATE OR FEDERAL CRIMINAL OFFENSE, BUT NOT INCLUDING A TRAFFIC OFFENSE THAT IS A CLASS C MISDEMEANOR OR INFRACTION					✓
ALL OTHER NON-ARRESTABLE VIOLATIONS	✓				
VEHICLE OPERATIONS	**A**	**B**	**C**	**D**	**E**
SPEEDING	✓				
VIOLATION OF PURSUIT POLICY		✓			
RECKLESS DRIVING		✓			
VIOLATION OF VEHICLE TAKE HOME POLICY	✓				
FAILURE TO PROPERLY MAINTAIN VEHICLE	✓				
SEATBELT VIOLATION	✓				
CARE OF EQUIPMENT	**A**	**B**	**C**	**D**	**E**
LOSS OR DAMAGE TO DEPARTMENT EQUIPMENT		✓			
ALLOWING UNAUTHORIZED USE OF DEPARTMENT EQUIPMENT		✓			

Granite School Dist SRO Interlocal Agr 2025.pdf

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SCHOOL RESOURCE OFFICER INTERLOCAL COOPERATION AGREEMENT

THIS SCHOOL RESOURCE OFFICER INTERLOCAL COOPERATION AGREEMENT (the Agreement) is made and entered into on the 4th day of August 2025 by and between West Valley City (City), a political subdivision of the State of Utah, and the Board of Education of Granite School District (District), a political subdivision of the State of Utah, 2500 South State Street, Salt Lake City, Utah, 84115.

WITNESSETH

WHEREAS, pursuant to the provisions of the Utah Interlocal Cooperation Act, Utah Code Annotated §11-13-101, et seq., as amended, public agencies, including political subdivisions of the State of Utah as defined therein, are authorized to enter into mutually advantageous agreements for joint or cooperative action; and

WHEREAS, pursuant to the provisions of the Utah Code Annotated, §53G-8-703, which provides that District may contract with a law enforcement agency to provide school resource officer services at School pursuant to District Board of Education review and approval of this Agreement; and

WHEREAS, District and City, through their respective governing bodies, have voluntarily determined that the interests and welfare of the public within their respective jurisdictions will best be served by this Agreement to provide for joint and cooperative action in regard to having a School Resource Officer (SRO) to maintain safe schools, improve school climate, support educational opportunities for students while serving at Granger Senior High School (School); and

WHEREAS, the governing bodies of District and City have agreed to adopt this Agreement to provide for the joint and cooperative action contained herein; and

WHEREAS, Agreement shall replace and supersede any agreements or memoranda of understanding approved and executed previously, if any, by District and City regarding SROs.

NOW, THEREFORE, be it mutually covenanted and agreed as follows, each of the parties accepting as consideration for this Agreement the mutual promises and agreements of the other:

EFFECTIVE DATE AND DURATION

This Agreement shall be deemed effective as of October 6th, 2025, and shall continue for a period of one school year, terminating on June 1, 2026, unless sooner terminated as provided herein.

ADMINISTRATIVE ENTITY

City and District do not contemplate nor intend to establish a separate legal entity under their terms of this Agreement.

PURPOSE

This Agreement is established for the purpose of jointly providing for two (2) SROs to serve at School.

MANNER OF FINANCING

This Agreement and the matters contemplated herein shall not receive separate financing, nor shall a separate budget be required. Each party shall be responsible for its own obligations under this Agreement. City shall budget for and be responsible for all payments related to the employment of the SROs. City shall send an invoice to District quarterly for payment of the services as agreed in writing between District and City, which total cost to District is $90,000 per year for the initial one-year term of this Agreement. Thereafter, the parties may mutually agree on an annual cost for subsequent years of this Agreement; failing such mutual agreement, this Agreement shall be deemed terminated. The invoices shall be paid within sixty (60) days of receipt by District. If this Agreement is terminated during the budget year, City and District agree to divide the costs associated with the payment of the services of the SROs as on a pro rata basis depending on the length of the year remaining.

ADMINISTRATOR

Pursuant to Utah Code Annotated, §11-13-101, et seq., the parties agree that City shall act as administrator responsible for this Agreement. This Agreement does not anticipate nor provide for any organizational changes in City or District.

FILING OF AGREEMENT

A copy of this Agreement shall be placed on file in the Recorder's Office of City and with the Chief of Granite Police Department (GPD) and shall remain on file for public inspection during the term of this Agreement.

DESCRIPTION OF ARRANGEMENT

1. City Obligations and Responsibilities:

    a. The SROs shall be employees of City and shall be subject to the administration, supervision, and control of City.

b. City will ensure that the SROs are trained and certified law enforcement officers. City and District shall work together to provide SRO-specific training required under Utah Code Annotated, §53G-8-702.

c. City will pay the costs for the police officers to support the SRO services in excess of the amounts due from District. City will furnish uniforms and any equipment that state law requires for provision of the SRO services or that the parties jointly agree is necessary for the provision of the SRO services.

d. City shall be responsible for providing a substitute SRO for all unforeseen absence. There shall be a minimum of one (1) SRO during school hours.

e. The SROs shall be subject to all personnel policies and practices of City except as such policies or practices may be modified by the terms and conditions of this Agreement.

f. City, in its sole discretion, shall have the power and authority to hire, discharge, and discipline the SROs; however, District and City will jointly discuss SRO assignments.

g. As employees of City, the SROs will be subject to the chain of command of City.

h. If the principal of School is dissatisfied with an SRO who has been assigned to that principal's school, that principal may request that City Chief of Police assign a different officer as the SRO for that school. Such a request to City Chief of Police will occur after the principal has met with the SRO's supervisor to discuss concerns and allow for a reasonable amount of time for the SRO's supervisor to remediate the issues unless the concerns are of such a nature, in the opinion of the principal, to warrant an immediate replacement. City Chief of Police shall make every reasonable effort to expeditiously assign a new SRO to that school. City reserves the right to remove/re-assign any SRO after reasonable notification has been given to District.

i. The SROs and the School principal, or designee, will jointly complete the SRO training described in Utah Code Annotated §53G-8-702. Whenever possible, SRO training will occur during non-school hours or on days when School is not in session. The SRO may also be invited to attend additional training with SROs from GPD.

j. City Chief of Police and District's Superintendent (Superintendent), or their designees, shall determine the working hours of the SROs, considering District’s calendar. The hours of SRO availability will be during normal school hours while School is in session. Adjustments outside of these regular hours shall be made by mutual agreement in writing between that school's principal and City's designee.

k. Although the SROs remain City employees, the SROs are required to be on campus unless they are performing duties directly related to the SRO services off

campus. In such cases, the SRO shall attempt to inform the principal prior to the event, but if prior notice is not possible, the SRO shall report and explain the absence as soon as possible to the principal.

i. City shall ensure that the SROs' supervisor maintains communication with School administrators throughout the school year to evaluate the performance of services provided by the SROs.

ii. City will provide District with a point of contact to facilitate communications regarding SRO services. City's point of contact for Schools shall be the SROs' supervisor.

iii. The SROs shall provide immediate assistance to address the criminal conduct of individuals other than students.

l. City will at least annually seek out and accept feedback from the school about SRO performance.

m. City will be responsible for providing SROs for school events that are outside of school hours including athletic events, school dances, etc. District will hire at an hourly rate of $60 / per hour.

n. Allegations of a criminal nature against school staff members wherein the alleged criminal behavior occurred on school property will be referred to GPD.

o. To facilitate compliance with Utah Code Annotated §53-22-106 et seq., City will investigate substantial threats against a school and agrees to inform the Chief of GPD of any relevant investigations outlined in the statute for District's situational awareness.

2. District Obligations and Responsibilities:

a. District shall communicate with the SRO's supervisor regarding removal/reassignment of an SRO.

b. In the unlikely event that a situation arises wherein District believes that a particular SRO's presence at a school, facility, or event constitutes a direct and immediate threat to the safety and well-being of District community, District may direct the SRO to leave the premises and not return until School has resolved the issue with either City or the SRO.

c. District shall:

i. Provide City with a point of contact to facilitate SRO services communications. District's point of contact for School shall be Chief Randy Porter, GPD.

ii. Provide an office/storage or workspace for the SROs' materials and personal effects.

iii. Provide time for school principals or designees and the assigned SRO to attend SRO training.

iv. Coordinate response to and differentiate between disciplinary issues and criminal problems. School administrators will handle routine administrative and school discipline (code of conduct) issues within School without involving the SROs in an enforcement capacity unless the administrator determines that SRO involvement is necessary to address a threat to the safety of students, staff, and/or patrons. School administrators are solely responsible for handling routine administrative and school discipline and code of conduct issues that do not meet the elements of a crime.

v. When appropriate, administration shall discuss suspected criminal conduct with the SROs and whether the suspected criminal conduct requires administrative intervention.

vi. Arrange meetings with the SROs as needed by school administration.

vii. Invite the SROs to school-wide trainings regarding school code of conduct and discipline, de-escalation, Positive Behavioral Interventions and Support (PBIS), Multitiered Systems of Supports (MTSS), and restorative practices provided to faculty.

viii. Request SRO assistance immediately to address the criminal conduct of individuals other than students.

ix. Assist with any SRO-initiated investigation as needed.

x. Provide ongoing feedback to City designee for SRO evaluation purposes.

xi. Notify responding SRO when a student involved in an investigation or incident requiring the assistance of the SRO has a disability and/or an Individualized Education Program ("IEP") or Section 504 Plan, and who therefore may require special treatment or accommodations.

xii. School principals shall provide access to students when law enforcement officers or Department of Child and Family Services (DCFS) officers are investigating allegations of child abuse subject to District policies.

d. All employee investigations of (or involving criminal conduct) a criminal nature against school employees that occurred on school premises will be referred to GPD for investigation.

3. Mutual Obligations and Responsibilities:

a. City and District recognize the importance of ensuring that the SROs work collaboratively with school and district administrators. To be assigned an SRO, a police officer shall meet the following requirements:

i. The SRO shall be a fully certified law enforcement officer.

ii. The SRO shall possess an even temperament, be trained in de-escalation techniques and procedures, and be able to set a good example for students.

iii. The SRO shall possess effective communications skills that will enable the officer to function effectively within the student population and with school staff.

b. Notwithstanding the foregoing, City shall make the final decision as to the placement of the SRO.

c. City and District are jointly responsible for ensuring that the training required under Utah Code Annotated §53G-8-702 is provided and completed by the SRO and principal, or designee. The training may include:

i. Childhood and adolescent development and techniques for motivating and otherwise working with youth;

ii. Responding age-appropriately to students;

iii. Working with students with disabilities;

iv. Techniques to de-escalate and resolve conflict;

v. Cultural awareness;

vi. Restorative justice practices;

vii. Identification of students exposed to violence or trauma and making referrals to appropriate resources;

viii. Student privacy rights;

ix. Negative consequences and stigmatization associated with youth involvement in the juvenile and criminal justice systems;

x. Strategies to reduce juvenile justice involvement;

xi. The role and distinctions between an SRO and other school staff who help to keep a school secure;

xii. Developing and supporting successful relationships with students; and

xiii. Legal parameters of searching and questioning students on school property.

d. If additional training becomes required by law, ordinances, court orders, or other contractual agreements, City and District shall jointly ensure that such training is provided and occurs.

e. The parties' point of contact shall meet twice each school year to discuss how the SRO services are functioning and any specific needs or concerns of School and SROs.

f. Both parties agree to the designations in Utah Code Annotated §53G-8-211 which identify the student offenses that the SROs can refer to juvenile court, confer with School to resolve, or refer to School administration for resolution with an administrator, understanding that School will keep the SROs informed on resolution of the issue.

g. Both parties agree that School will not require or prohibit mandatory rotations of SROs.

4. Duties of School Resource Officer:

a. Two (2) SROs will be assigned to School to provide for and maintain a safe, healthy and productive learning environment, act as a positive role model to students, build partnerships, enhance community-policing activities, identify problems within School, develop problem solving strategies with school administrators and staff, and collaboratively develop a comprehensive school safety plan with school administrators, staff, and District's Office of Risk Management, and work to create a cooperative, proactive, and problem-solving approach between law enforcement and School.

b. The SROs may provide presentations to School on safety, crime prevention, and bullying, if requested.

c. The SROs shall provide adequate notice to the SROs' supervisor and School principal or designee when absent from work due to illness, training, vacation, or an agency emergency for the assignment a substitute SRO or other arrangement. City will be responsible for all substitutes, and ensuring no absences will be without a substitute.

d. The SROs and City Police Chief who oversees the SRO program will meet regularly with school principals to identify problems and work toward resolution or problems occurring in School.

e. SROs will work closely with School to improve the social and behavioral skills of students to maximize their ability to achieve academically and become successful, contributing citizens. Issues to be addressed include substance abuse, violence reduction, social skills, and other areas of district and community concerns.

f. City and District understand the SROs may secure school property according to established GPD protocols in the event of an emergency that requires shelter-in-place or lock-down.

g. SRO services will include providing outreach to school administrators, parents, students, businesses, and the community for stakeholder involvement in problem

solving and solutions with the intent of promoting collaboration and relationship-building that will benefit the whole community. This collective effort will help City to provide the best public safety services and protection to all citizens while garnering support for law enforcement.

h. The SROs shall initiate positive interactions with students in School to promote the profession of police officers and to be a positive role model.

i. The SROs will use de-escalation techniques whenever possible in resolving conflict or other potentially volatile situations.

j. The SROs will be responsible for enforcing the law and are not responsible for handling routine school discipline issues. Infractions of school rules shall be handled at the school level. SROs shall be available to School for advice, assistance, and consultation. Absent a threat to an individual or public safety, student conduct that occurs on school property involving public order offenses including disorderly conduct, disturbance/disruption of schools or school activities; loitering; profanity; and fighting that does not involve physical injury or a weapon (as defined in Utah Code Annotated §76-1-601(5)), shall be considered school discipline issues to be handled by school administrators. However, if SROs become aware of policy and code violations, SROs can assist administrators by alerting administrators and/or escorting students to the office.

k. The SROs shall confer with the principal or designated school administrator to resolve issues that constitute minor violations of criminal law, such as Class C Misdemeanors and Infractions.

1. The SROs shall be involved in school discipline if it pertains to preventing a disruption that would, if ignored, place students, faculty, staff, or other individuals at risk of harm.

m. The SROs will share information, subject to the restrictions and requirements of the Utah Bureau of Criminal Identification, with School's administrators about individuals and conditions pertaining to campus safety concerns.

n. The SROs shall notify the parents of students and School administration as soon as possible upon removing a student from campus.

o. If a student arrest is warranted at school, in a school vehicle, or at a school event, the SROs shall use only that force that is reasonably necessary and the least disruptive tactics to effectuate the arrest.

p. An arrest of a student may occur on school property or at school sponsored activities when:

    i. The SRO has probable cause to believe that the student has been or is potentially engaged in criminal conduct that:

1. Poses a real or immediate threat of injury;

2. Causes property damage;

3. Involves the possession or uses of drugs or weapons; or

4. That makes an arrest necessary to execute a warrant that cannot be effectively executed outside of School hours.

q. The SROs shall notify the parents of the student and the applicable school administrator as soon as possible when students are arrested or ticketed.

r. The SROs shall question students in a manner and at a time when it has the least impact on the students' schooling so long as the delay in questioning does not interfere with the effectiveness of an investigation.

s. The SROs will emphasize the use of restorative approaches to address negative student behavior.

t. The SROs may conduct investigatory stops or detentions of students on school property or at school sponsored events when the officer has reasonable suspicion to believe that the student has been, is, or is about to be engaged in the commission of a crime.

u. In any instance in which it becomes necessary for an SRO and/or a City police officer to detain, question, or search a minor student on school property or at a school sponsored activity, the SRO and/or City police officer will notify school administration as soon as practicable.

v. The SROs or other City police officer may conduct an immediate, warrantless search or seizure under emergency conditions if there is probable cause to believe that delay in getting a warrant would result in the loss of evidence, escape of the suspect, or harm to the police or public. However, the SRO or City officers shall not conduct a search with a school administrator present as a means of avoiding the requirement of articulating probable cause for the search.

w. Other City police officers are allowed to enter a District school, property, or activity when a suspect retreats into School, property, or activity and there is reasonable fear of escape, destruction of evidence, or injury to the police or public. Entry may also be made where a person's health, welfare or safety is concerned.

x. Interviews of students by law enforcement personnel about matters unrelated to school shall be conducted away from school during non-school hours.

y. City shall provide an annual report (in June) to District that documents each of the following incidents of law enforcement activity at School, in compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §12329 et seq.,

34 CFR Part 99, and Utah's Student Privacy and Data Protection Act (SPDPA), Utah Code Annotated §53E-9-101 et. seq.

i. Arrests, including the reason the student was arrested;

ii. Demographic information of the student;

iii. Search and seizure;

iv. Issuance of a criminal citation;

v. Issuance of a ticket or summons;

vi. Filing a delinquency petition; or

vii. Referral to a probation officer.

z. The SROs and School principal or assistant principal shall complete the SRO training from Utah Code Annotated §53G-8-702 et seq.

5. Students' Rights:

a. The SROs may conduct or participate in a search of a student's clothing, possessions, or locker only where there is probable cause to believe that the search will turn up evidence that the student has committed or is committing a criminal offense.

i. The SRO shall inform school administrators prior to conducting a probable cause search where practicable.

ii. The SRO shall not ask school officials to conduct a search to circumvent a student's rights or protections.

b. A school official may conduct a search of a student's clothing, possessions, or locker where there is a reasonable suspicion to believe that the search will tum up evidence that the student has violated or is violating either that law or the rules of School, and the search is justified within the scope of the suspicion. Absent a cognizable threat to another student, an employee, or to other individuals, a school official shall not ask an SRO to be present or participate in such a search, although an SRO may be requested to remain in the vicinity and intercede if the search produces evidence of criminal conduct.

c. The SROs may interrogate minor students about criminal conduct that could expose the student to court-involvement or arrest subject to constitutional rights (Miranda) and the requirements and exceptions of Utah Code Annotated §78A-6-l 12.5, including requirements for parents/guardians to be present during interrogations.

i. The SROs shall inform school administrators prior to questioning the student where practical.

ii. The SROs shall not ask a school official to question a student to circumvent any constitutional protections or protections under Utah State law.

d. If an exigent circumstance or immediate threat exists, a school official or SRO may question a student about criminal conduct or conduct a search of a student's person and possessions.

e. Unduly invasive searches (i.e., strip searches) of students by either school officials or the SROs is prohibited.

6. Access to Education Records:

a. All SROs are designated as School officials for the purposes of FERPA. As such, SROs have the right to inspect and copy any public records, including directory information, maintained by School to the extent allowed by law. Access to student records is governed by FERPA.

b. If additional information in a student's record is needed in an emergency to protect the health or safety of the student or other individuals, School officials shall disclose to the SRO only that information that is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety; the need for the information to meet the emergency situation; and the extent to which time is of the essence.

c. Notwithstanding any of the above, if an SRO or City's law enforcement officer presents a warrant, subpoena, or court order for special educational records or video recordings, those items shall be provided as soon as possible.

CONSIDERATION

The consideration for this Agreement consists of the mutual benefits and exchange of promises provided herein.

TERMINATION OF THE AGREEMENT

Either party may, at the party's sole discretion, terminate this Agreement at the end of the initial one-year period. Additionally, the failure of either party to comply with the terms of this Agreement shall constitute a breach of this Agreement. Thereafter, the non-compliance party shall have thirty (30) days after receipt of written notice of any breach to correct the conditions specified in the notice, or if the corrections cannot be made within the thirty (30) day period, within a reasonable time if corrective action is commenced within ten (10) days after receipt of the notice. Failure to correct the breach of conditions specified in the notice consistent with this timeframe will constitute cause to terminate this Agreement immediately thereafter.

RIGHTS AND REMEDIES

In the event of a breach, and after the lapse of the cure period as per above, beyond termination of the Agreement, the non-breaching party shall have all the rights and remedies available under the laws of the State of Utah in effect. The rights and remedies of the parties shall not be mutually exclusive but shall be cumulative in all respects. The respective rights and obligations of the parties hereunder shall be enforceable in equity as well as at law or otherwise.

GOVERNING LAW, JURISDICTION, AND VENUE

All questions with respect to the construction of this Agreement, and all right and liability of the parties hereto shall be governed by the laws of the State of Utah. Jurisdiction and venue for the enforcement of this Agreement shall be found in the courts of Salt Lake County, State of Utah.

COSTS OF ENFORCEMENT

In the event of a breach of this Agreement, the non-breaching party shall be entitled to recover from the breaching party all the non-breaching party's costs (including, but not limited to, court fees and expert witness costs) and attorneys' fees associated with the enforcement of this Agreement.

NOTICE

Any written notice that must or may be given relating to this Agreement shall be sufficient if mailed postage prepaid, registered or certified mail, in the United States mail addressed to a party at the address given above. In the case of District, notice shall be mailed to the attention of the Chief of GPD at 380 W. 3050 S. South Salt Lake, UT, 84115. In the case of City, notice shall be mailed to the attention of West Valley City Chief of Police at 3577 Market St., West Valley City, UT, 84119. Either party may notify the other to designate a different address for mailing.

APPROPRIATION OF FUNDS

The obligations under this Agreement are expressly subject to the appropriation of funds by City and/or District's Board of Education. Discontinuation of appropriations necessary to perform the obligations of this contract may or may not necessitate termination of this Agreement at the end of the current annual contract cycle at the discretion of the parties.

INDEMNIFICATION

Both parties are governmental entities under the Governmental Immunity Act of Utah (the Immunity Act), Utah Code Annotated §63G-7-101 to -904 (2011), as amended. Consistent with the terms of the Immunity Act, it is mutually agreed that each party is responsible and liable for its own wrongful or negligent acts, which it commits, or which are committed, by its agents, officials, or employees. Neither Party waives any defenses otherwise available under the Immunity Act, nor does any party waive any limits of liability now or hereafter provided by law.

GENERAL PROVISIONS

1. If any condition, covenant, or other provision herein contained is held to be invalid or void by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other covenant or condition herein contained. If such condition, covenant, or other provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

2. This Agreement contains the entire agreement between the parties. No promise, representation, warranty, or covenant not included in this Agreement has been or is relied upon by the parties. All prior understandings, negotiations, or agreements are merged herein and superseded hereby.

3. This Agreement may be modified only by a writing signed by each of the parties hereto.

4. Each provision of this Agreement performable by City and District shall be deemed to be both a covenant and a condition.

5. This Agreement is specific to the parties hereto and is therefore not assignable.

6. This Agreement shall bind the parties and their respective successors and assigns.

7. The captions to the various sections of this Agreement are for convenience and ease of reference only and do not define, limit, augment or describe the scope, content, or intent of this Agreement or any part or parts of this Agreement.

8. Time is of the essence of each term, provision, and covenant of this Agreement.

9. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one instrument.

10. The singular number includes the plural whenever the context so indicates. The neuter gender includes the feminine and masculine, the masculine includes the feminine and neuter, and the feminine includes the masculine and neuter, and each includes corporation, limited liability company, partnership, or other legal entity when the context so requires. The word "person" means person or persons or other entity or entities or any combination of persons and entities.

11. No delay or omission in the exercise of any right or remedy by any party hereto shall impair such right or remedy or be construed as a waiver. Any waiver of any breach must be in writing and shall not be a waiver of any other breach concerning the same or any other provision of this Agreement.

12. Except as specifically set forth herein, nothing in this Agreement shall be construed as creating any partnership, joint, joint venture, or business arrangement among the parties hereto, nor any rights or benefits to third parties.

[Signature Page to Follow]

IN WITNESS THEREOF, the parties have signed and executed this SCHOOL RESOURCE OFFICER INTERLOCAL COOPERATION AGREEMENT on the dates listed below:

WEST VALLEY CITY

Dated this _____ of _____, 2025.

By: Karen Lang _____

West Valley City Mayor

Attest: Nichole Camac _____

West Valley City Recorder

APPROVED AS TO FORM:

By: Brandon Hill Brandon Hill

West Valley City Attorney's Office

BOARD OF EDUCATION OF GRANITE SCHOOL DISTRICT Dated this _____ of _____, 2025.

By: Superintendent Jeff Hersley _____

APPROVED AS TO FORM:

By: Douglas Larson _____

General Counsel

PIP - Example of Performance Improvement Plan.pdf

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WEST VALLEY CITY POLICE DEPARTMENT

INTRADEPARTMENTAL CORRESPONDENCE

TO: OFFICER EXAMPLE
FROM: SGT. SAMPLE
SUBJECT: PERFORMANCE IMPROVEMENT PLAN
DATE: DATE OF MEETING
CC: LEFTA - METR

SECTION I - BACKGROUND INFORMATION

Summary

On December 23, 2018, you received a Notice of Performance Deficiency regarding your quality of work. Specifically, you we not meeting the stated expectation of having an average of one or fewer Records "Kickbacks" per week. You were given a period of thirty (30) days to bring your performance to the level of "Meets Expectation" in that area. At the end of the (30) day period, you have not met that expectation. Therefore, you are being placed on a formal Performance Improvement Plan with the goal of helping you meet the standard of "Meets Expectation" in the area of your quality of work.

Specific Area of Concern / Deficiency

As reported in the Notice of Performance Deficiency, during the months of June through November of 2018, you had an average of 3 kickbacks per week. During the thirty (30) day Notice of Performance Deficiency period, you were given the opportunity to bring your performance to the stated expectation of an average of one or less kickbacks per week. During the thirty (30) day period, you had the following kickbacks:

- Week 1 - 3 kickbacks
- Week 2 - 1 Kickback
- Week 3 - 6 kickbacks
- Week 4 - 2 kickbacks

This is an average of 3 kickbacks per week.

Performance Standard

As discussed previously, and documented in the Notice of Performance Deficiency letter, the performance standard for quality of work regarding report "Kickbacks" is an average of one or fewer kickbacks per week.

Previous History of Meetings/Discussions / Documentation

In addition to the documented meetings and discussions listed in the Notice of Performance Deficiency letter, we met on January 5, 2018. During that meeting, we discussed the fact that you had 3 kickbacks in the first week of the thirty (30) day notice period. You indicated that you were attempting to ensure the quality of your reports by only taking one call at a time and completing the paperwork before going to the next call. I suggested that you also have another officer review your reports and packet at the end of shift. You said you understood and would do so. This was documented in the Performance Improvement Plan entry in Performance Impact.

SECTION II - PERFORMANCE IMPROVEMENT PLANNING

Strategies for a Successful Outcome / Statement of Assistance

The following are objectives designed to assist you in attaining the goal of "Meets Expectation" in the area of your quality of work:

1) Unless there are exigent circumstances, you will complete the report and related paperwork for each call before taking another call.

2) You will use the "Report Narrative Guide" located at the end of the Report Writing Guide (Patrol Dictation Flip Chart) for every report to ensure all necessary elements are included in each report.

3) At the end of every shift, you will bring your packet to me (or my designee) for review before turning it in to Records. Together, we will review each report for accuracy and to ensure all related attachments are included. Any deficiencies will be discussed and corrected.

4) Before you leave the parking lot of Division at the end of your shift, you will upload all reports and dictations. Once uploaded, you will confirm that each report and dictation has been uploaded by exiting the program, logging back in and checking the case number.

5) We will review West Valley City Police Department Policy 316.10-Response to Routine Calls, specifically as it relates to documentation and reporting.

6) On February 4, 2018 you will be assigned to the Traffic Division with a Traffic FTO. You will receive training on how to properly complete and submit a DI9 report.

7) On February 6, 2018, you will spend 6 hours with the Records Department observing their reporting process, be trained on the necessary attachments for each report type, and observe what impact your quality of work has on their process.

8) On February 7, 2018, you will be assigned to ride with a patrol FTO for one week. During this time, your reports will be reviewed by the FTO and you will receive training in the area of report writing and completion. The FTO will complete a daily observation report in the form of an IDC for each shift.

SECTION III - PERFORMANCE IMPROVEMENT PLAN TERMS

Duration

This Performance Improvement Plan will be in effect for sixty (60) days. The plan will be put on hold to compensate for any time off or leave of absence during that period.

Feedback Intervals

In addition to meeting at the end of each shift to review your reports and packet, we will meet once per week to review your progress. If during the week you have a concern or issue to address, please contact me and we will hold a special meeting.

Other Terms

During the term of this Performance Improvement Plan, you may not be transferred to any special assignments. This will be at the discretion of the Chief.

Additional Information

The intent of this document is to identify performance deficiencies and to provide a clear concise mechanism for improving performance to a standard of “Meets Expectations.” Every reasonable effort will be made to provide training and support necessary for the successful completion of this Performance Improvement Plan. Items contained in this plan are subject to modification under several circumstances.

First, should it become clear that the level of "Meets Expectations" has been attained prior to the projected date, the plan may be dissolved upon agreement of the employee and the employee’s chain of command. Second, where improvement in overall performance is noted, but additional time and/or training is required to reach a standard of "Meets Expectations" in all areas, the plan may be renegotiated. Finally, should it be determined that the overall performance continues at the level of "Below Expectations" or that a standard of "Meets Expectations" cannot be met by the end date of the Performance Improvement Plan, discipline may result in consequences up to and including termination

Acknowledgement

By signing below, I acknowledge that this Performance Improvement Plan has been received and understood.

_____ _____

Employee Signature Date

_____ _____

Supervisor Signature Date

_____ _____

Deputy Chief Date

Vehicle Pursuit Matrix.pdf

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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; Discontinue when risks exceed known threat to public safety presented by the perpetrator if capture is delayed.
Any other incident where an officer has knowledge that serious harm or death has been or may be 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.	**DO NOT PURSUE/ DISCONTINUE**
All other traffic / civil violations.	**DO NOT PURSUE/ DISCONTINUE**	**DO NOT PURSUE/ DISCONTINUE**	**DO NOT PURSUE/ DISCONTINUE**

Policy-PIP-Example of Performance Improvement Plan Conclusion.pdf

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WEST VALLEY CITY POLICE DEPARTMENT

INTRADEPARTMENTAL CORRESPONDENCE

TO: OFFICER EXAMPLE
FROM: SGT. SAMPLE
SUBJECT: PERFORMANCE IMPACT PLAN CONCLUSION
DATE: DATE OF MEETING
CC: LEFTA - METR

Dear Officer Example,

Summary

On December 23, 2018, you received a Notice of Performance Deficiency regarding your Quality of Work. Specifically, you were not meeting the stated expectation of having an average of one or less Records "Kickbacks" per week. You were given a period of thirty (30) days to bring your performance to the level of "Meets Expectation" in that area. At the end of the (30) day period, you did not meet that expectation. On February 23, 2018, you were placed on a formal Performance Improvement Plan with the goal of helping you meet the standard of "Meets Expectation" in the area of your Quality of Work.

During the course of the Performance Improvement Plan term, you received instruction, training and one-on-one guidance in the area of your Quality of Work. At the end of the Performance Improvement Plan term, you have successfully reached the standard of "Meets Expectation" in this area and the Performance Improvement Plan will conclude.

Performance Standard

As discussed previously, the performance standard for Quality of Work regarding report "Kickbacks" is an average of one or less kickbacks per week.

Summary of Assistance Provided

The following assistance was provided throughout the course of the Performance Improvement Plan term:

1) You were directed that unless there are exigent circumstances, you would complete the report and related paperwork for each call before taking another call.

2) You were directed to use the "Report Narrative Guide" located at the end of the Report Writing Guide (Patrol Dictation Flip Chart) for every report to ensure all necessary elements are included in each report.

3) At the end of every shift, you brought your packet to me (or my designee) for review before turning it in to Records. Together, we reviewed each report for accuracy and ensured all related attachments were included. Any deficiencies were discussed and corrected.

4) Before you leave the parking lot of Division at the end of your shifts, you uploaded all reports and dictations. Once uploaded, you confirmed that each report and dictation was uploaded by exiting the program, logging back in and checking the case number.

5) We reviewed West Valley City Police Department Policy 316.10-Response to Routine Calls, specifically as it relates to documentation and reporting.

6) On February 4, 2018 you were assigned to the Traffic Division with a Traffic FTO. You received training on how to properly complete and submit a DI9 report.

7) On February 6, 2018, you spent 6 hours with the Records Department observing their reporting process, and were trained on the necessary attachments for each report type, and observed what impact your quality of work has on their process.

8) On February 7, 2018, you were assigned to ride with a patrol FTO for one week. During this time, your reports were reviewed by the FTO and you received training in the area of report writing and completion. The FTO completed a daily observation report in the form of an IDC for each shift.

9) We met each week to discuss your progress and any issues you were struggling with.

Final Evaluation

During the Performance Improvement Plan Term, I regularly checked the Records "Kickback" list for any reports. During the first month of the plan you received 4 kickbacks. During the second month of the plan you only received one kickback. This is well within the set forth performance standard of an average of less than one kickback per week. Therefore, this Performance Improvement Plan will be successfully completed.

LEP Speak Guide (Limited English Proficiency Services Language Card).pdf

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I SPEAK...

Point to the language you speak.

This guide helps identify the language of a person
who does not speak English.

Please point to your language below or on the following pages.

I speak English.

OFFICER USE

- Show the individual this guide and ask them to point to the language they speak.
- Contact the Department's approved interpreter service and request the identified language or dialect.
- For important communications, use a qualified interpreter consistent with Department policy.

Note: This card identifies a language; it does not establish interpreter qualification.
When dialect, literacy, or communication needs are uncertain, ask the interpreter service to identify the language.

Adapted for West Valley City Police Department from the U.S. Department of Justice,
Bureau of Justice Assistance, "I Speak... Language Identification Guide" (NCJ 214821).

I SPEAK...

Point to the language you speak.

A **Arabic**
أنا أتحدث العربية

A **Armenian**
Ես խոսում եմ հայերեն

B **Bengali**
আমি বাংলা বলি

B **Bosnian**
Ja govorim bosanski

B **Bulgarian**
Аз говоря български

B **Burmese**
ကျွန်ုပ် မြန်မာစကား ပြောပါသည်

C **Cambodian (Khmer)**
ខ្ញុំនិយាយភាសាខ្មែរ

C **Cantonese**
我講廣東話

C **Chinese**
我说中文

C **Croatian**
Ja govorim hrvatski

C **Czech**
Mluvím česky

D **Danish**
Jeg taler dansk

D **Dari**
من دری صحبت می کنم

D **Dutch**
Ik spreek Nederlands

E **English**
I speak English

F **Farsi**
من فارسی صحبت می کنم

F **Finnish**
Puhun suomea

F **French**
Je parle français

G **German**
Ich spreche Deutsch

I SPEAK...

Point to the language you speak.

G **Greek**
Μιλάω Ελληνικά

G **Gujarati**
હું ગુજરાતી બોલું છું

H **Haitian Creole**
Mwen pale Kreyòl Ayisyen

H **Hebrew**
אני מדבר עברית

H **Hindi**
मैं हिन्दी बोलता हूँ

H **Hmong**
Kuv hais lus Hmoob

H **Hungarian**
Magyarul beszélek

I **Ilocano**
Agsaosaak iti Ilocano

I **Indonesian**
Saya berbicara Bahasa Indonesia

I **Italian**
Parlo italiano

J **Japanese**
私は日本語を話します

K **Korean**
저는 한국어를 합니다

L **Lao**
ຂ້ອຍເວົ້າພາສາລາວ

L **Latvian**
Es runāju latviski

L **Lithuanian**
Aš kalbu lietuviškai

M **Malay**
Saya bertutur dalam Bahasa Melayu

M **Mandarin**
我说普通话

M **Marathi**
मी मराठी बोलतो

P **Polish**
Mówię po polsku

I SPEAK...

Point to the language you speak.

P **Portuguese**
Eu falo português

P **Punjabi**
ਮੈਂ ਪੰਜਾਬੀ ਬੋਲਦਾ ਹਾਂ

R **Romanian**
Vorbesc românește

R **Russian**
Я говорю по-русски

S **Serbian**
Говорим српски

S **Slovak**
Hovorím po slovensky

S **Somali**
Waxaan ku hadlaa Soomaali

S **Spanish**
Yo hablo español

S **Swahili**
Ninazungumza Kiswahili

S **Swedish**
Jag talar svenska

T **Tagalog**
Nagsasalita ako ng Tagalog

T **Tamil**
நான் தமிழ் பேசுகிறேன்

T **Telugu**
నేను తెలుగు మాట్లాడుతాను

T **Thai**
ฉันพูดภาษาไทย

T **Turkish**
Türkçe konuşuyorum

U **Ukrainian**
Я розмовляю українською

U **Urdu**
میں اردو بولتا ہوں

V **Vietnamese**
Tôi nói tiếng Việt

Y **Yiddish**
איך רעד יידיש