# 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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