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.
4. The weather conditions.

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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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- 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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