Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 POLICY

It is the policy of the West Valley City Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic collisions, citizen complaints, traffic volume, traffic conditions, and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.2 PURPOSE AND SCOPE

The purpose of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/problem-based assignment of personnel and equipment, and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. Covert or overt stationary observation may be utilized in reducing traffic collisions, along with unmarked or unconventional vehicles.This Department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.3 DEPLOYMENT

Enforcement efforts may include techniques such as geographic/temporal assignment of Department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems, or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for Department members. State and local data on traffic collisions are a valuable resource. Factors for analysis include but are not limited to:

- Location
- Time
- Day
- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic collisions, and also will consider the hours

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and locations where traffic collisions tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic collisions frequently occur.

500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This Department does not establish ticket quotas. The number of arrests or citations issued by any Department member shall not be used as the sole criterion for evaluating overall performance. Several methods are effective in the reduction of traffic collisions.

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by a Department member when circumstances warrant, such as when a minor violation was inadvertent.

500.4.2 CITATIONS

Citations should be issued when a Department member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with:

(a) An explanation of the violation or charge.

(b) The court appearance procedure, including the optional or mandatory appearance by the motorist.

(c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.4.3 LICENSE RE-EXAMINATION REFERRAL

Officers who, through observation and/or testing, believe a motor vehicle operator has a physical, mental, or emotional impairment that appears to present an imminent threat to driving safety shall submit a "Request for Interview or Reexamination" form to the Driver License Division of the Department of Public Safety as per Utah Code 53-3-305.

500.4.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in Utah Code Title 41. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter.

(b) Felony and misdemeanor driving under the influence of alcohol/drugs.

(c) Felony or misdemeanor hit-and-run.

(d) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

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500.5 SUSPENDED OR REVOKED DRIVER'S LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Utah Code 53-3-227. The officer should inform the violator that they cannot operate a motor vehicle until they obtain a valid driver's license.

500.6 UNSAFE ROAD CONDITIONS

Unsafe road conditions due to weather, road damage, or other emergencies should be addressed as soon as practicable.

(a) A member who locates or is assigned to investigate an unsafe road condition should use temporary traffic control devices, if necessary, to identify the safety hazard, isolate it, and limit the public's ability to come into contact with or access the area.

(b) A member who locates or is assigned to investigate an unsafe condition should assess the condition and request through Dispatch that notifications be made to appropriate authorities responsible for correcting the safety hazard. The dispatcher should document the condition and all notifications that are made.

(c) If a member needs assistance with isolating a safety hazard, the member may request additional members to the location.

(d) If there are any questions regarding the proper isolation of a roadway safety hazard, members should contact their supervisor.

(e) A member should only leave the location under one of the following circumstances:

1. The unsafe condition has been corrected.
2. The member is relieved by an appropriate authority who will conduct the repair, and traffic direction and control services are no longer needed.
3. The member is properly relieved by another member.
4. When authorized by a supervisor.

500.7 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the Department member.

500.7.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the Department member or when the member will be exposed to the hazards of passing traffic, or will be maneuvering or operating vehicles, machinery, and equipment.

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(a) Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures, and disaster scenes.

(b) When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

(c) Use of the vests shall also be mandatory when directed by a supervisor.

500.7.2 CARE AND STORAGE

High-visibility vests shall be maintained in the trunk of each patrol and investigation vehicle, in the side box of each police motorcycle, and in the gear bag of each patrol bicycle. Each vest should be stored inside a resealable plastic bag to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure that a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Training Unit sergeant should be promptly notified whenever the supply of vests needs replenishing.

500.8 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE

It is the responsibility of the Traffic Unit Sergeant to establish a report form and a procedure for school crossing guards to report speed violations to the West Valley City Police Department. The reporting forms shall be made available to school crossing guards and to school administrative offices (Utah Code 41-6a-604 and Utah Code 41-6a-604.5). The report form shall include the following:

(a) Date, time and location of the violation.

(b) Vehicle license plate number and state.

(c) Vehicle description.

(d) Description of the vehicle operator.

(e) Description of the incident.

(f) Contact information of the school crossing guard.

(g) The signature of the school crossing guard who witnessed the offense attesting to the accuracy of the report.

Reports should be submitted to the West Valley City Police Department no more than two business days after the alleged violation occurred.

500.8.1 NOTIFICATION OF VIOLATION TO VIOLATOR/VEHICLE OWNER

It will be the Traffic Unit Sergeant's responsibility to establish a system in which notification letters are sent to the last known registered owner of the vehicle that was reported speeding. The letter should contain the following (Utah Code 41-6a-604.5(1)(a)):

(a) Applicable information on the school crossing guard's report stating that the vehicle was observed speeding in a reduced-speed school zone in violation of state law.

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(b) Complete explanation of the applicable provisions of Utah Code 41-6a-604.

(c) An explanation that the notification letter is not a peace officer citation, but is an effort to call attention to the seriousness of the incident.

The Traffic Unit Sergeant is responsible for ensuring all other mandates of Utah Code 41-6a-604.5 are met or that further investigation, if warranted, is conducted.

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Traffic Direction and Control

501.1 PURPOSE AND SCOPE

All personnel involved in traffic direction shall take necessary steps to facilitate the safe flow of vehicles and pedestrians, and to direct and control the safe movement of traffic where conditions or emergency situations require. Personnel directing or controlling traffic shall do so in an efficient and courteous manner with due regard for the safety of all concerned parties.

501.2 TRAFFIC CONTROL AT TRAFFIC COLLISIONS AND CRITICAL INCIDENTS

(a) At the discretion of the responding officer, the officer may position the patrol vehicle in the affected lane(s) of traffic, with emergency lights activated, to warn approaching traffic.

(b) Responding officers should clear the thoroughfare as quickly as practical; towing services should be notified as soon as possible if vehicles involved in a collision are inoperable.

(c) Officers on the scene may perform manual traffic control when it is determined it can be accomplished safely.

(d) Officers directing traffic, or in the roadway controlling traffic, will wear their reflective vests.

(e) Officers at the scene of critical incidents will assess the hazards present and take action to minimize damage to life or property. This may include traffic direction and/or evacuation of the immediate area.

(f) Officers will assure the scene is clear for emergency vehicles to enter but restricted to any unauthorized vehicle or pedestrian traffic.

501.3 MANUAL TRAFFIC CONTROL AND UNIFORM HAND GESTURES

(a) Personnel shall carefully consider the necessity to manually direct traffic. Factors to be considered include: existing roadway congestion, adverse conditions, emergency situations, traffic volume and speed, number of pedestrians, duration of the period of congestion, personnel availability, safety, and the presence or absence of traffic control devices. Manual control of traffic should not be performed when an existing traffic control device will alleviate the traffic problem. If manual control of traffic is required, existing automated signals should be turned off to prevent driver/pedestrian confusion.

(a) Manual Control of Traffic Signals

1. The decision to initiate manual traffic control when a signal is in operation should be based on traffic conditions and the limitations of the signaling device. Some circumstances warranting manual operation include:

    i. Signal malfunction.

    ii. Facilitate vehicular and pedestrian movement at traffic crashes or other emergencies.

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iii. Provide a thoroughfare for parades, processions, or motorcades.

iv. Relieve congestion when automated controls are over loaded.

2. Only personnel who have been trained to manually operate traffic signals will attempt to do so. Absent requisite training, signals that cannot effectively control traffic will be turned off and manual traffic control initiated.

(b) Fire Scenes and other Critical Incidents

1. Although Firefighters have the authority to direct traffic at fire scenes, police officers will assume responsibility for traffic control as soon as possible.

2. Traffic will be diverted from the area and a perimeter established which is close enough to the scene to control access but distant enough to prevent injuries and damage to equipment.

3. Vehicular traffic will not be allowed into any area where fire hoses or other specialized equipment are across roadways.

(c) Adverse Road and Weather Conditions

1. Adverse weather and road conditions may include such hazards as debris in the roadway, downed power lines, sink holes, and reduced visibility. When these conditions are encountered, greater consideration should be given to officer safety issues.

2. Upon discovery of adverse road conditions impacting the safe flow of traffic, Communications will be notified. The agency responsible for correcting the situation, such as Public Works and power companies, will be notified to respond. The personnel on the scene will provide necessary traffic direction and control by manually directing traffic or utilizing warning devices until the problem is resolved.

3. Traffic hazards or potential hazards which do not require immediate corrective action such as pot holes, over grown shrubbery, and missing nonessential signs will be reported to Dispatch for later notification of the responsible agency.

4. Roadway engineering deficiencies will be reported to the Traffic Enforcement Sergeant for evaluation and referral to the appropriate agency.

(d) ROADBLOCKS (Traffic Safety Roadblocks)

1. Roadblocks may be used to contain a crime or crash scene, limiting or stopping traffic flow during emergency situations or adverse weather conditions, or to institute motor vehicle safety checkpoints with prior written approval from the Chief of Police.

2. Police vehicles should be used to block traffic lanes with emergency lights activated. Traffic cones, barricades, or other temporary traffic control devices should be used when available to assist with lane blockage and traffic diversion.

3. The roadblock should allow for emergency vehicle access.

4. Communications will be advised of the locations of roadblocks and other conditions blocking or significantly restricting traffic flow. Significant traffic flow

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restrictions expected to last more than one hour will result in the activation of a travel alert.

5. Temporary traffic control devices such as barricades, portable signs, flashing lights, flares, and cones may be used for roadblocks, to divert traffic, and expedite the flow of traffic during special events and emergency situations.

6. Roadblock should be discontinued and traffic flow restored as soon as the situation allows.

(e) MOTORISTS ASSISTS

1. General Assistance: Agency personnel will render general assistance to motorists such as providing directions or referrals to community resources.

2. Mechanical Assistance: Disabled vehicles in roadways can constitute significant impediments to traffic flow, particularly at peak usage periods or when visibility is reduced due to darkness or adverse weather conditions.

3. Agency personnel will notify dispatch of the tag number, description, location, and number of occupants prior to contacting attended disabled vehicles.

4. Many of the same officer safety concerns present with traffic stops are present when contacting attended disabled vehicles. Personnel must be alert to the following possibilities:

   i. The person in control of the vehicle may not be an authorized user, or is not licensed to drive.

   ii. The vehicle is in unsafe operating condition.

   iii. The vehicle's occupants have or were preparing to engage in criminal activity.

   iv. Personnel should ascertain the nature of the mechanical problem and request appropriate assistance from Dispatch.

   v. Disabled abandoned vehicles should be removed from traffic lanes as soon as possible during peak traffic periods. At other times, vehicles may be removed or warning devices placed to warn other motorists of the vehicle's presence. If warning devices are placed, personnel will check within a reasonable period of time to ensure that vehicle has been removed by its owner or conditions have not deteriorated.

5. Stranded Persons: Individuals stranded due to vehicle malfunction or other reasons may be assisted by calling them a taxi or referral to other public transportation. When warranted, stranded individuals may be transported to the nearest location of safety to summon or await the arrival of assistance.

6. Emergency Assistance: When persons requiring emergency assistance are encountered, Dispatch will be so informed and requested to summon the agency responsible for providing the assistance required.
   While awaiting the arrival of other agencies, personnel will render emergency assistance consistent with their training and equipment. After the arrival of other

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assisting agencies, personnel will provide traffic and crowd control until no longer needed at the scene.

(f) MANUAL TRAFFIC DIRECTION

All Department personnel assigned or authorized to direct traffic should use the following uniform signals and gestures to perform manual traffic directions:

1. Stopping traffic by hand.
   To stop traffic, the officer should first extend his arm and index finger toward and look directly at the person to be stopped until that person is aware or it can be reasonably assumed that he is aware of the officer's gesture.
   The pointing hand is then raised at the wrist so that the palm is toward the person to be stopped, and the palm is held in this position until the person is observed to stop. To stop traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.

2. Starting traffic by hand.
   To start traffic, the officer should first stand with shoulder and side toward the traffic to be started, extend his arm and index finger toward and look directly at the person to be started until that person is aware or it can be reasonably assumed that he is aware of the officer's gesture. With palm up, the pointing arm is swung from the elbow only through a vertical semicircle until the hand is adjacent to the chin. If necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two way street, the procedure is then repeated for traffic coming from the other direction.

3. Turning Right
   Drivers making right turns usually effect their turns without the necessity of being directed by the officer. When directing a right turn becomes necessary, the officer should proceed as follows:

   i. If the driver is approaching from the officer's right side, the extended right arm and index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn.

   ii. If the driver is approaching from the officer's left side, the same procedure may be followed utilizing the left arm extended.

4. Turning Left
   Left turning drivers should not be directed to affect their movement until the officer has stopped oncoming traffic. The officer's right side and arm should be toward the oncoming traffic, and the left side and arm should be toward the left turning driver. After stopping the oncoming traffic by using the right arm and hand, the right hand should remain in the halt gesture. The extended left arm and index finger and the officer's gaze is directed toward the driver who intends to effect a left turn. When the left turning driver's attention has been gained, the extended left arm and index finger are swung to point in the direction the driver intends to go.

5. Use of Flashlight

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A flashlight can be used to halt traffic. To stop traffic slowly swing the beam of light across the path of oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped, arm signals may be given in the usual manner with the vehicle headlights providing illuminations.

501.4 VEHICLE ESCORT SERVICES

(a) Vehicle escort services provided by the Police Department may include, but are not limited to:

1. Funeral motorcades;
2. Traffic assistance to public officials#
3. Dignitaries;
4. Oversized vehicles and/or loads#
5. Roadway construction#
6. Maintenance vehicles# and
7. Vehicles with hazardous or unusual cargo.

(b) Vehicle escorts that involve other agencies will be coordinated as far in advance as feasible.

(c) Vehicle escort requests are normally processed through the Dispatch or Administration and relayed to the traffic supervisor. The Chief, Deputy Chiefs and Traffic Unit supervisor(s) have the authority to approve or deny these requests. When escort requests are received by this agency, the Traffic Unit will be notified to assist.

(d) Vehicle escorts for public officials, dignitaries or executive protection assignments will normally be handled by the Traffic Unit, due to the length of time required for such assignments.

(e) Control of vehicle escorts will be assigned to a supervisor or traffic officer in accordance with the complexity of the escort requirements. The supervisor or officer in charge of the vehicle escort will set the pace for the escort in accordance with prevailing conditions. Under no circumstances will the escort exceed the predetermined maximum speed for any segment of the route. The supervisor or officer in charge of the escort will terminate the escort and resume normal vehicle operation when, in the supervisor or officer’s opinion, conditions are such that continuation of the escort will constitute unacceptable risks to the motoring public.

(f) Vehicle escort services of civilian vehicles in medical emergencies is not an accepted practice of the West Valley City Police Department. If immediate medical service is required, EMS should be summoned to the scene.

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Traffic Stops

502.1 PURPOSE AND SCOPE

The traffic enforcement objective of the Department is to reduce traffic crashes and injuries, and to facilitate the safe flow of traffic through compliance with traffic laws and ordinances.

Officers shall render assistance to motorists as necessary. This may include answering questions, assisting stranded motorist in obtaining mechanical or towing assistance, ensuring the safety of stranded person and other appropriate emergency assistance.

Officers will take enforcement action upon detection of an illegal or potentially hazardous act by persons operating vehicles, bicycles, other conveyances and pedestrians. Enforcement action shall be taken at the discretion of the officer and many include a warning, citation or physical arrest.

502.2 TRAFFIC STOPS

A stop in which the officer has reasonable suspicion, probable cause or a warrant and reason to It is each officer's responsibility to recognize a violation when it is committed and to take appropriate enforcement actions when violations are observed.

All traffic stops are considered unknown risk contacts. Officers conducting a traffic stop shall evaluate the potential risk and develop a tactical plan for the traffic stop. There are typically three types of traffic stops:

TRAFFIC VIOLATION STOP

A traffic stop made because the officer has probable cause to believe that the driver has committed a traffic violation (infraction).

INVESTIGATIVE STOP

A stop made because the officer has probable cause to believe that one or more of the vehicle's occupants has engaged in, or is about to engage in, criminal activity.

HIGH RISK STOP

A stop in which the officer has reasonable suspicion, probable cause or a warrant and reason to believe that one or more occupants of the vehicle may be a threat to the officer.

All high risk stops should be considered hazardous. Planning by the officer initiating the stop must be a priority.

The following considerations should be taken into account before the stop is made:

(a) Justifications for high risk stops:

1. Suspects are known to be, or the officer has probable cause to believe, the suspects are armed and/or pose a dangerous threat; or
2. Suspects are wanted for the commission of a forcible felony; or

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3. Circumstances surrounding the situation imply there is a threat of danger to the officer or others in the area.
4. At the termination of vehicle pursuits unless the driver and/or occupants are incapacitated due to injuries suffered in a traffic accident.

(a) If a high risk stop is necessary and firearms are displayed by the officers, the following factors should be taken into consideration:

1. Location and area where the stop is to be initiated. Avoid highly populated and extremely busy areas of the city if possible.
2. Lighting and surroundings.
3. Traffic conditions.
4. Number of units available for back up at the scene.
5. Back up unit deployment.
6. Ability to keep and maintain control of the scene once the stop has been initiated.

502.3 INITIATING THE STOP

502.3.1 ROUTINE VEHICLE STOPS

The following procedure is recommended for traffic violation stops and investigative vehicle stops:

(a) After observing a traffic violation or developing reasonable articulable suspicion to believe one or more of the vehicle's occupants has engaged in, or is about to engage in non-violent, misdemeanor criminal activity, the officer will contact the dispatcher with the license plate number, including state, or a description of the vehicle, and the anticipated location of the stop.

(b) The officer should then maneuver into a position in traffic directly behind the violator and activate their emergency lighting equipment. The officer should attempt to affect the stop in an area that will minimize the degree of danger for the violator, the officer and other traffic.

(c) The officer should position their vehicle approximately one car length behind the violator and offset slightly to the left in and effort to create a safety buffer zone for the officer. The officer's emergency lighting equipment will be activated during the duration of the stop.

(d) If the location of the stop is significantly different than the anticipated location of the stop given to the dispatcher, prior to approaching the vehicle, the officer will update the dispatcher with the exact location of the stop.

(e) The officer may approach the vehicle on the driver's or passenger's side of the vehicle. This should be based on which side the officer feels is the safest for his/her approach based on a variety of factors including location, lighting, and traffic conditions. The officer should assume a position slightly behind the door to provide him/herself a degree of protection.

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(f) The officer should approach the violator's vehicle in a cautious manner while maintaining a close watch on the occupants for furtive movements.

(g) The officer should make contact with the violator and explain the reason for the stop in a professional and courteous manner.

(h) Following the initial contact, the officer should cautiously return to their patrol vehicle after asking the violator to remain in their vehicle. While walking back to the patrol vehicle, the officer should remain aware of the behavior of the occupants of the violator vehicle.

(i) After returning to their vehicle, the officer should contact the appropriate dispatch channel or use their MDT to query the vehicle registration, driver license and warrants. The officer may, at their discretion, also fill out a traffic or warning citation to be issued to the violator.

(j) The officer should then cautiously return to the violator's vehicle, assume the same position behind the door approached, and deliver the citation, written warning or verbal warning.

(k) The officer should then return to their vehicle and allow the violator to depart first.

(l) After the completion of the stop, the officer will advise the dispatcher of their status.

502.3.2 HIGH RISK STOPS

The following procedure is recommended for the tactical deployment of a high risk stop scene:

(a) The initial officer will:

1. Advise dispatch and all responding units that high risk stop procedure is to be used.
2. Take charge of the stop.
3. Be the ONLY one giving commands to the suspect(s).
4. Be the one giving commands to the backup officers at the scene.
    i. In some situations, supervisory personnel may take charge of the stop.

(b) Prior to initiating the stop on the suspect vehicle, the initial officer shall:

1. Ensure dispatch has been notified of the following:
    i. Location of stop.
    ii. Vehicle description.
    iii. Suspect description, if possible.
    iv. Number of occupants in the vehicle.
    v. If there are children in the vehicle.
    vi. Vehicle license plate number.
    vii. Offense to which the vehicle is suspect in.

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2. Activate emergency overhead lights and spotlights in conjunction with any back up vehicles on scene. The lights should provide optimum light toward the suspect vehicle and provide the best concealment possible to the officers. Use of emergency vehicle lighting should be used day and night.
3. Prior to the initiation of the stop, have a back-up unit respond to his location and take a position behind him.
    i. If the initial officer is alone and a back-up unit is not available or the suspect stops prematurely, the initial officer should wait until a cover officer arrives.
4. Adhere to the Department vehicle pursuit policy should the suspect flee in the vehicle.
5. Be tactically prepared with a plan should the suspect exit his/her vehicle and/ or fires upon the Officer.
6. Be aware of and try to plan for any response by the suspect and the threat he/ she may pose to the officer, his back up units or others near the scene.
7. Tactically position the emergency vehicle providing optimum protection should the suspect fire upon the officer.
    i. The Officer's vehicle should provide optimal ballistic coverage by utilizing the engine block or the vehicle's pillars.
    ii. Positioning should be approximately 30 feet behind the suspect vehicle.
    iii. Emergency vehicle should remain running.
    iv. Vehicle should be in the "Parked" position.
8. Second officer vehicle position should be to the right of initial officer's vehicle.
    i. The involved officers should communicate positioning and steps to be taken to ensure safety.
    ii. The second officer should position their vehicle and self, as described above for the initial officer, making sure that the best protection is available.
    iii. The second officer may take up a position behind the right door of the initial unit's vehicle.
    iv. The second officer is responsible for coverage of passenger side of the suspect vehicle.

502.4 CONTAINMENT AND CONTROL OF THE SUSPECTS

Following initial deployment of officers on a high risk stop and when the suspect vehicle has come to a complete stop, all officer attention should be focused on containing the suspects in the vehicle and securing the vehicle for safety. Officers should take the time to assess the need for additional back up officers and support personnel.

(a) The initial officer should:
    1. Consider the following needs:

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i. Traffic control
ii. Crowd control
iii. Additional officers and resources
iv. Support personnel

2. Use the P.A. system in their emergency vehicle and order the suspect to:
   i. Turn off the ignition to their vehicle.
   ii. Remove the keys.
   iii. Place the keys on the roof of their vehicle.
   iv. Place and keep their hands in the air where officers can see them.
   v. Order all passengers to place and keep their hands in the air.

(b) Initial and back up officers will be cognizant of:

1. All areas surrounding the scene.
2. Crossfire situation with our officers and other agencies.
3. Any and all areas and subjects beyond the suspect vehicle that may be impacted.
4. Officer safety, safety of suspect(s) and the safety other persons near the scene.

(c) Recommended steps that may be taken by initial and back up officers are:

1. Keeping the driver and any passenger hands visible to officers at all times.
2. Driver should slowly exit the vehicle with his hands in plain view and in the air.
3. Driver should slowly exit the vehicle and be commanded to walk towards officers until they are told to stop.
4. A backing officer will handcuff and search the driver. The driver will then be secured.
5. Visual attention and cover should be maintained at all times while driver and any passengers are removed, searched and secured.
6. Make further commands for any passengers to exit the vehicle in the same manner, even if suspects have not and cannot be seen.
7. Maintain cover on the vehicle and any additional occupants at all times.
8. Ensure that officers are positioned so that no crossfire exists.

(d) Extraction of additional suspects and occupants of the suspect vehicle:

1. Should be handled by the same procedure for extracting the driver.
2. Should be handled one at a time to ensure coverage and protection.
3. Should be extracted from the same side of the vehicle, preferably away from the traffic area.

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(e) When all subjects are suspected to have been removed from the vehicle:

1. The initial officer and back up officers will communicate with one another at all times, work as a team and ensure that the search of the suspect vehicle is handled in an organized and tactical manner.
2. The assigned back up officer will tactically approach the suspect vehicle from the rear passenger side, check the trunk, the rear and front of the interior and any other areas for additional suspects and/or weapons.

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Traffic Collisions

503.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic collisions.

503.2 POLICY

(a) It is the policy of the West Valley City Police Department to respond to traffic collisions and render or summon aid to injured victims as needed.

(b) The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision, and through enforcing applicable laws.

(c) Unless restricted by law, traffic collision reports will be made available to the public upon request.

503.3 RESPONSE

Upon arriving at the scene, the responding member of the Department should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this Department and there is:

1. A life-threatening injury.
2. A fatality.
3. A City vehicle involved.
4. A City official or employee involved.
5. Involvement of an on- or off-duty member of this Department.

(b) Is within another jurisdiction and there is:

1. A City of West Valley City vehicle involved.
2. A City of West Valley City official involved.
3. Involvement of an on-duty member of this Department.

503.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control.

(b) Proper placement of emergency vehicles, cones, roadway flares, or other devices if available to provide protection for members, the public, and the scene.

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(c) First aid for any injured parties if it can be done safely (see the Medical Aid and Response policy).

(d) The potential for involvement of hazardous materials (see the Hazardous Material Response policy).

(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).

1. The fire department shall be summoned immediately for any fire hazard at the scene of a collision. Members should take all reasonable measures to protect collision victims and themselves from fire injury.

(f) Clearance and cleanup of the roadway.

503.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if a supervisor is unavailable, the Watch Commander. The Watch Commander or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Watch Commander will ensure notification is made in accordance with the Major Incident Notification policy.

503.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, Department chaplain, or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic collision should not be released until notification is made to the victim's immediate family.

503.5 MINIMUM REPORTING REQUIREMENTS

A collision report shall be taken when (Utah Code 41-6a-402):

(a) A fatality, any injury (including complaint of pain), driving under the influence, or hit-and-run is involved.

(b) An on-duty member of the City of West Valley City is involved.

(c) The collision results in any damage to any City-owned or leased vehicle.

(d) The collision involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) There is damage to any vehicle to the extent that towing is required.

(g) Prosecution or follow-up investigation is contemplated.

(h) Directed by a supervisor.

(i) A report is requested by any involved driver.

(j) There is total property damage that appears to exceed $2,500.

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503.5.1 PRIVATE PROPERTY

Traffic collision reports shall be taken for traffic collisions occurring on private property when the collision results in injury to, or death of, any person, or total property damage appears to exceed $2,500 (Utah Code 41-6a-402). An incident report may also be taken at the discretion of any supervisor.

503.5.2 CITY VEHICLE INVOLVED

A traffic collision report shall be taken when a City vehicle is involved in a traffic collision that results in property damage or injury.

A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Bureau Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

503.5.3 INJURED ANIMALS

Department members should refer to the Animal Control policy when a traffic collision involves the disposition of an injured animal.

503.5.4 TRAFFIC COLLISIONS INVOLVING LIVESTOCK

An officer investigating a collision shall indicate in the report whether the collision occurred on a highway designated as a livestock highway, in accordance with Utah Code 72-3-112, when the collision resulted in the injury or death of livestock (Utah Code 41-6a-404).

An officer investigating such a collision shall make reasonable efforts as soon as practicable to (Utah Code 41-6a-408):

(a) Locate and inform the owner of the livestock of the incident.

(b) Make arrangements with the owner of the livestock to provide a copy of the collision report or advise the owner where a copy can be obtained.

503.6 INVESTIGATION

When a traffic collision meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

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503.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Traffic Unit Sergeant or on-duty Watch Commander should request that the Utah Highway Patrol or other outside law enforcement agency investigate and complete a traffic collision investigation when a life-threatening injury or fatal traffic collision occurs within the jurisdiction and involves:

(a) An on- or off-duty member of the Department.

1. The involved member shall complete the Department traffic collision form. If the member is unable to complete the form, the supervisor shall complete it.

(b) An on- or off-duty official or employee of the City of West Valley City.

Department members shall promptly notify a supervisor when any Department vehicle is involved in a traffic collision. The collision investigation and report shall be completed by the agency having jurisdiction.

503.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members of the Department should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter, or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

503.7.1 TRAFFIC COLLISIONS INVOLVING SERIOUS INJURY OR DEATH

(a) An officer who issues a citation to a person for a moving traffic violation that results in a collision causing serious bodily injury or death shall note that fact on the citation (Utah Code 41-6a-202).

(b) When there is probable cause to believe that a driver involved in a collision is impaired, the investigating officer should direct an individual to submit to a chemical test in accordance with the Impaired Driving Policy or seek a search warrant.

(c) If the collision resulted in a fatality and the officer believes there is insufficient probable cause to justify a search warrant, the officer shall discuss the situation with a supervisor to confirm that no impairment is suspected and probable cause for a chemical test does not exist (Utah Code 41-6a-520).

503.8 REPORTS

Members shall utilize forms approved by the Utah Department of Transportation (UDOT) as required for the reporting of traffic collisions. All such reports shall be forwarded to the records section for approval and filing.

503.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the Department member who prepared the report, and only prior to its approval and

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distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member of the Department.

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Police Vehicle Traffic Collision Reporting

504.1 PROCEDURE FOR ACCIDENTS INVOLVING POLICE DEPARTMENT VEHICLES

(a) When officers and non-sworn employees driving a West Valley City vehicle are involved in a traffic accident, regardless of location, they will:

1. Preserve the safety of themselves and others.
2. Notify VECC dispatch if within radio contact area, or other appropriate law enforcement agency and request appropriate assistance.
3. Notify the on-duty supervisor.
4. Notify their immediate supervisor as soon as practical.

(b) All accidents involving vehicles assigned to the WVCPD will be investigated by an outside law enforcement agency. Photos will be taken and forwarded with the West Valley Officer's report. A supervisor may waive the necessity for an outside agency investigation if the damage is minor and there are no injuries, and shall detail the justification for that decision in a memorandum which shall accompany the supervisor's vehicle accident entry in the Department traffic accident records management software program.

(c) The Watch Commander or responsible supervisor will respond to the scene, evaluate the incident, and make notifications as necessary. If available, (and on duty) the involved employee's immediate supervisor may respond instead of the Watch Commander. Information on accidents in which a supervisory or West Valley Police response is not practical, will be gathered by the Watch Commander and forwarded to the employee's unit or section supervisor. The responding supervisor will assess the condition of the vehicle and determine whether it can be operated safely or have it towed to the City shops for evaluation.

(d) The responding supervisor will prepare a critical incident notification summarizing the incident. This notification will be sent electronically to the Chief, Deputy Chiefs, and City Attorney's Office.

(e) The involved employee will document the accident in a timely manner and forward it to the employee's unit supervisor.

1. The involved employee will generate a vehicle accident entry in the Department traffic accident records management software program, with all information they currently have for the incident, and forward to the unit supervisor.
2. The unit supervisor will gather all reports, including those from outside law enforcement agencies, and add them to the vehicle accident entry in the Department traffic accident records management software program and forward the entry to the Accident Review Committee (ARC),

(f) The Accident Review Committee will review the incident as outlined in the Risk Management / ARC policy.

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504.2 OTHER DAMAGE TO DEPARTMENT VEHICLES

(a) All other damage to Department vehicles will be reported immediately to the employee's supervisor, and in an IDC stating the cause of the damage, if known.

(b) This IDC will be sent through the chain of command to the section commander.

(c) Photos will be taken and forwarded with the report.

(d) The ARC will review all reported damage for the purpose of identifying training, procedural, or operational improvements.

(e) Instances where a concerning pattern of behavior is detected, damage is unreported in a timely manner, or damage is caused by negligent behavior may result in further investigation or disciplinary action.

504.3 VEHICLE REPAIRS

(a) For vehicles that are operable:

1. The employee will take the vehicle to the City Shops within five days of the accident and complete a detailed work order with a contact phone number.
2. The vehicle will be left at the shops and shop personnel will be responsible for obtaining the necessary bids for repair. Under no circumstances will an employee of the Police Department be involved in obtaining bids for repair or contracting for repair of the vehicle.
3. If the damage is minor and does not create a safety hazard, the Shop foreman may return the vehicle to the employee pending scheduling for repair.

(b) For damaged vehicles that are unsafe or inoperable:

1. The vehicle will be towed to the City Shops and a detailed work order along with a contact phone number will be completed.
2. Shops personnel will be responsible for facilitating the repair of the vehicle.

(c) Shops personnel will attempt to:

1. Keep the affected employee apprised of the status of the vehicle.
2. Coordinate with City Risk Management and the involved officer's supervisor regarding insurance claims, method of payment, and feasibility of repair.
3. Notify the employee's section commander of all reported and unreported damage.
4. Contact the appropriate Deputy Chief for final approval of repairs.

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Uniform Traffic Enforcement

505.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for uniform enforcement of traffic laws.

505.2 UNIFORM ENFORCEMENT CONSIDERATIONS

Officers should consider the following factors when considering enforcement action:

(a) Interference with other traffic. The primary purpose of any traffic enforcement program is to facilitate the safe and efficient flow of traffic. The most serious and obvious act of interference is a traffic accident. The severity of interference ranges from causing another vehicle to take collision avoidance action to mere inconvenience. The degree of interference may be a primary determining factor as to what type of action to take.

(b) Mitigation. Mitigating factors are those that lessen the severity of the violation. They may include, but are not limited to, lack of traffic, lack of immediate danger in the violation, emergency situations, or any other facto that makes the violation less of a danger. For non-hazardous violations, a mitigating factor might be something such as a short period of time after the expiration of a registration.

(c) Enhancement. An enhancing factor is one that makes the violation more egregious or dangerous. Enhancing factors include, but are not limited to, sever weather, poor road conditions, heavy traffic or the proximity of children or other pedestrians. For non-hazardous violations, an enhancing factor might be the registration of a vehicle having been expired for a significant period of time or complete disregard of the law.

(d) Education of the violator. Education should be considered when the driver has inadvertently violated a minor regulation or has just moved into the area. If the officer feels that a warning would be more beneficial under the circumstances, the officer has the discretion to issue either a verbal or a written warning.

505.3 COMMON VIOLATIONS

Listed in this section are violations which are commonly encountered by officers and the minimum official citation standard for each violation. These minimum standards should also be taken into account, along with the consideration listed above, when making a final determination on the type of enforcement action taken.

505.3.1 IMPAIRED DRIVING

The West Valley City Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Utah’s impaired driving laws. Officers are expect to enforce these laws with due diligence.

Impaired driving investigations will be conducted in accordance with Policy § 514, Impaired Driving, and Utah State Law.

505.3.2 DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED

Driving a motor vehicle while the driving privilege is denied, suspended, disqualified or revoked is a class C or a class B misdemeanor, depending on the reasons for which the license was denied,

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suspended disqualified or revoked (Utah State Code § 53-3-227). As such, officers may make a custodial arrest of the individual. However, officers should exercise their discretion in these instances, and may wish to consult a supervisor if the sole basis for the custodial arrest is the charge of driving on a denied, suspended, disqualified or revoked license. In most cases, the issuance of a citation is more appropriate.

505.3.3 SPEED VIOLATIONS

Due to vehicle manufacturing tolerance, speedometers exhibit varying degrees of accuracy. Because of this, officers should provide for a five mile per hour variance. Officer may wish to allow for a greater variance in areas where the speed limit is 45 mph or greater. Officers should also take into account other factors such as school zones, construction zones, weather and road conditions and visibility when considering enforcement options.

505.3.4 OTHER HAZARDOUS VIOLATIONS

(a) Reckless driving. A person is guilty of reckless driving when they operate a vehicle in willful or want disregard for the safety of persons or property, or they commit three or moving traffic violations in a series of acts occurring within a single continuous period of driving covering three miles or less in total distance (Utah State Code § 41-6a-528). The officer should consider whether other persons or property were in the immediate vicinity of the driver during the violation and whether they reasonably could have been harmed.

(b) Failure to respond to an officer's signal to stop. Failing to stop for an officer's lights and/or siren requires the officer to consider whether the driver of the vehicle has received the visual or audible signal to stop and whether the person operates the vehicle with a willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person; or, attempts to flee or elude the officer by vehicle or other means (Utah State Code § 41-6a-210). When a vehicle fails to stop or actively flees from an officer, the officer should consider all the factors and guidelines in Policy § 314, Vehicle Pursuits, prior to initiating and continuing a vehicle pursuit.

(c) Failure to yield right of way. When a driver fails to yield the right of way the officer should consider whether a collision was caused by this failure or whether other vehicles or pedestrians were endangered by the driver's actions.

(d) Stop sign and signal violations. When taking enforcement action on a stop sign or signal violation, the officer should consider the amount of traffic in the area, the speed of the vehicle prior to the intersection and whether the speed was reduced significantly (i.e. rolling stop), and whether the violation caused a collision or endangered other vehicles or pedestrians.

505.3.5 OFF-ROAD RECREATIONAL VEHICLES

Officers will enforce those traffic laws applicable to the use of off-road/recreational vehicles on public property and roadways. The type of enforcement action taken is at the officer's discretion and should be based on the danger posed to both the driver/occupants of the off-road vehicle and other vehicles and pedestrians in the vicinity. Officers will investigate accidents involving these types of vehicle in accordance with current Department and State guidelines.

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505.3.6 EQUIPMENT VIOLATIONS

When determining the type of enforcement action to take on an equipment violation, the officer should consider whether the equipment may have cease function recently and whether the operator should reasonably have known that the equipment was malfunctioning.

505.3.7 PUBLIC CARRIER / COMMERCIAL VEHICLE VIOLATIONS

The Department has an officer or officers assigned to the Traffic Section who have received special training and have the equipment necessary to conduct inspections of commercial vehicles. One of these officers may be contacted to assist or advise an officer who has questions or concerns regarding violations specific to public carriers or commercial vehicles. However, when a violation by a public carrier or commercial vehicle is observed, it may be enforced by any officer.

505.3.8 OTHER NON-HAZARDOUS VIOLATIONS

Officers should use discretion in enforcing non-hazardous violations such as excessive use of a vehicle's horn, loud or non-existent mufflers, excessive exhaust emitting from a vehicle, or loud music coming from a vehicle. Officers should consider whether the violator would be better educated by issuing a warning or a citation.

505.3.9 MULTIPLE VIOLATIONS

Multiple traffic violations, so long as they are misdemeanors or infractions, may be listed on one citation. If one of the violations is a felony violation, such as fleeing or evading, the officer will screen all violations with the appropriate prosecuting attorney's office and will not issue a citation for any violation.

In enforcing multiple violations, the officer should consider whether the violator would be better educated by issuing a citation for the initial violation and giving a warning for some or all of the lessor or secondary violations.

505.3.10 NEWLY ENACTED LAWS

New laws and ordinances require a period of time before the public becomes aware of the new law. During the first month after a law or ordinance is issued, officers are encouraged to issue warnings in an effort to educate the public. Thereafter, officers may issue citations at their discretion.

505.3.11 VIOLATIONS RESULTING IN TRAFFIC COLLISIONS

Officers may take enforcement action while investigating traffic collisions, even though the officer did not witness the violation. Officers may only enforce the following violations when the accident occurs on private property:

(a) DUI and related offenses found in Utah Code 41-6a Part 5

(b) Reckless driving

(c) Vehicular homicide

(d) Hit and run

(e) No insurance

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(f) Failure to respond to an officer's signal to stop (fleeing)

505.3.12 VIOLATION INVOLVING PEDESTRIAN AND BICYCLES

Many State traffic laws and City traffic ordinances apply to bicycles and pedestrians and may serve as the basis for enforcement action.

505.3.13 PARKING ENFORCEMENT

It is the policy of the West Valley City Police Department to enforce parking violations in a reasonable and impartial manner. Officers should be observant for parking violations during the course of their routine duties. When it is determined that a vehicle parked in violation of City Code must be moved for safety reasons or it appears the vehicle has been abandoned, the officer is authorized to have the vehicle moved in accordance with West Valley City Code 22-2-119 and the Department policy regarding vehicle towing and impounds. When issuing a citation for a parking violation, the applicable West Valley City Municipal Code should be used rather than citing under a similar state code.

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Hazardous Highway Conditions

506.1 PURPOSE AND SCOPE

In an effort to make the roads and highways in West Valley City safe for motorist, officers will take the necessary steps to mitigate hazardous highway conditions.

506.2 HAZARDOUS HIGHWAY CONDITIONS

Officers must exercise appropriate judgment when determining the relative level of danger presented by a traffic hazard and the corrective action necessary. It is not possible to delineate all situations where an officer may be required to assess potential traffic hazards. As such, officers should be mindful of the need to use sound judgment and common sense when they encounter traffic hazards.

506.3 HIGH VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Department members who may be exposed to hazards presented by passing traffic, construction maneuvering or operating vehicles, machinery and equipment.

Officer shall wear a high-visibility vest when clearing debris from the roadway or directing traffic around other hazardous highway conditions until the condition can be cleared or resolved by the appropriate authority.

506.4 DEBRIS

Items in the roadway (i.e small tree branches or other small items) should be removed by the officer so as to clear the roadway.

Large items that are not easily and safely moveable by the officer require a response that protects the public until the item can be removed by the appropriate means. Depending on the specific circumstances, the officer may be required to stand by with emergency equipment activated until the hazard is removed. The officer will contact the dispatcher and request they notify the appropriate City department that can safely remove the debris or the agency having jurisdiction over that roadway

506.5 HAZARDOUS MATERIALS

Hazardous materials will be handled per the policy on Hazardous Material Response.

506.6 DEFECTIVE TRAFFIC CONTROL DEVICES

Any defective traffic control devices found by an officer will be reported to the dispatcher so that further notification may be made to the appropriate agency for repairs.

If the defect is so hazardous that traffic flow is affected and traffic conditions are dangerous for motorists, the officer should direct traffic to help eliminate any hazardous conditions until the defect is mitigated.

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506.7 ROADWAY DEFECTS

Any defects in the roadway found by an officer will be reported to the dispatcher so that further notification may be made to the appropriate agency for repairs.

If the defect is so hazardous that traffic flow is affected and traffic conditions are dangerous for motorists, the officer should direct traffic to help eliminate any hazardous conditions until the defect is mitigated.

506.8 ABANDONED / STOLEN VEHICLES

Abandoned and stolen vehicles will be handled per the policy on Vehicle Towing / Impounds.

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Vehicle Towing

507.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing.

507.2 POLICY

The West Valley City Police Department will tow vehicles when appropriate and in accordance with the law.

507.3 REMOVAL OF VEHICLES DUE TO HAZARD

(a) When a vehicle needs to be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Dispatch to expedite the process.

(b) If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the Department member (Utah Code 41-6a-1405).

(c) Vehicles that are not the property of the City should not be driven by Department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

507.3.1 REMOVAL OF VEHICLE INVOLVED IN AN ACCIDENT

An officer may, without the consent of the owner, remove a vehicle that has been involved in an accident if the vehicle has been damaged or spilled within the right-of-way or any portion of a roadway on the state highway system, is blocking a roadway, or is otherwise endangering public safety (Utah Code 41-6a-401.9).

507.3.2 REMOVAL OF ABANDONED OR ILLEGALLY PARKED VEHICLES

(a) A vehicle is considered abandoned and may be removed by an officer, or parking compliance personnel, if it has been left unattended more than 48 hours on a highway or more than seven days on public or private property without the property owner's consent (Utah Code 41-6a-1408).

(b) A vehicle can also be removed having met the standards listed in West Valley City Ordinance 22-2-119 - Authority to move or remove illegally parked vehicles.

(c) Parking compliance personnel will:

1. Have a sworn backing officer present when impounding a vehicle that is parked within 500 feet of the listed registered address or when there are documented involvements for the owner or vehicle within the same distance.
2. Use caution and request a sworn backing officer when there is reason to believe their safety may be compromised.

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507.4 ARREST SCENES

(a) Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene (Utah Code 41-6a-1405).

(b) Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

(c) The following are examples of situations in which a vehicle should not be towed:

1. The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.
2. The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
3. The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and legally able to take control of the vehicle.
4. The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases, the requester should be informed that the Department will not be responsible for theft or damages.

507.4.1 TOWING SEIZED VEHICLES

Officers should have a vehicle towed and impounded for seizure when (Utah Code 41-1a-1101):

(a) There is probable cause to believe that the operator of the vehicle has engaged in a road rage event and is arrested.

1. The officer may release the vehicle if a registered owner who was not the operator is present to take possession of the vehicle.

(b) The operator does not have a driver license in their possession, and the officer is unable to verify whether the operator has been issued a license by searching the Utah Criminal Justice Information System or other means, unless:

1. A licensed driver is available and authorized to drive the vehicle.
2. The operator is under 18 years old or has previously been issued a driver license that is expired.
3. Towing the vehicle would create a public safety concern to the operator or an occupant of the vehicle or prevent the officer from addressing other public safety considerations.

(c) The vehicle was being operated on a highway without the required insurance and was involved in an accident.

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1. If the operator of the vehicle is not carrying evidence of insurance, the officer should confirm whether insurance is in effect through a query of the Uninsured Motorist Identification Database.
2. If the operator of the vehicle is carrying evidence of insurance but the Uninsured Motorist Identification Database indicates that the security is not in effect, the officer should make a reasonable attempt to independently verify the insurance.

(d) The officer determines seizure is appropriate based on the circumstances and is authorized by Utah Code 41a-1101 or other law.

The officer should record the mileage shown on the vehicle's odometer at the time of seizure if practicable.

507.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed to further an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

507.6 VEHICLE INVENTORY

(a) The contents of all vehicles towed at the request of Department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

1. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.
2. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
3. Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks, and locked car top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company, or an unlocking mechanism for such compartment is available within the vehicle.
4. Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases, or other closed containers designed for carrying money, small valuables, or hazardous materials.

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(b) Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked as property for safekeeping.

(c) Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Policy. A copy of the property receipt form should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

(d) A copy of the vehicle inventory will be given to the tow truck operator.

(e) These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of Department members, and protecting the Department against fraudulent claims of lost, stolen, or damaged property.

(f) Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

507.6.1 VEHICLE INVENTORY BY PARKING COMPLIANCE PERSONNEL
Parking compliance personnel will:

(a) Complete a vehicle inventory report for all tows they facilitate.

(b) Not enter the vehicle to conduct an inventory.

(c) Ensure the vehicle is locked and document any items visible from the exterior of the vehicle.

(d) Photograph or capture the inventory on body worn camera.

(e) A copy of the vehicle inventory will be given to the tow truck driver.

507.7 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

(a) If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the Department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

(b) Unless it would cause an unreasonable delay in the completion of a vehicle impound/ storage or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

(c) Members of the Department who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or the owner's agent to request a hearing to contest the tow.

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507.8 IMPOUNDS

507.8.1 ALL IMPOUNDS

(a) Inventories shall be conducted on all impounded vehicles as outlined in this policy, above.

(b) Personal property left in impounded vehicles:

1. Persons who can provide proof of ownership (preferably the registered owner or title holder) for a vehicle towed or impounded incident to a West Valley City tow rotation call (excluding vehicles that have been seized for forfeiture or as evidence) may be allowed to enter the vehicle during normal business hours to remove personal property not attached to the vehicle upon signing a receipt with the towing/impound yard office.

(c) All vehicles impounded by officers of this Department for any reason must be checked through the NCIC system to see whether they have been reported stolen. The impounding officer must physically obtain the V.I.N. from the vehicle and run the V.I.N. and license plate through the NCIC computer.

1. It is not sufficient to run only the license plate through the NCIC computer.
2. The officer will document this activity in his/her incident report.
3. If the NCIC computer is down, the officer shall request the dispatcher to hold the V.I.N. and license plate numbers and run them when the NCIC computer becomes operable again. The officer will make note of this in his/her incident report. If the vehicle shows as stolen when the NCIC computer comes back up, the dispatcher will notify the on-duty field supervisor of such information and the proper notifications shall be made.

(d) All impounds will be reported on the West Valley City Police Department Vehicle Impound Report, included on the initial report form, and the officer will complete a "West Valley Police Department Vehicle Impound/ Disposition Form" indicating the status (ie. recovered stolen vehicle, drug seizure, hold for owner, DUI, Hit and Run, Evidence seizure detective-traffic, abandoned vehicle, release to owner, other).

1. The West Valley Police Department Vehicle Impound/ Disposition Form must be completed for vehicles that are held in the West Valley secure vehicle warehouse, City Shops, or any other location for further police follow-up.

507.8.2 STATE TAX IMPOUNDS

Only Department-approved and authorized State Impound towing companies will be used for State Tax impounds. Officers, or parking compliance personnel, will notify dispatch that they are requesting a qualifying State Tax impound. The following list is an example of some, but not all, qualifying State Tax impounds:

(a) Abandoned vehicles, vessels, or outboard motors.

1. Officers shall determine the abandonment of a vehicle, vessel, or outboard motor in accordance with Utah Code 41-6a-1408.

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i. State Tax impound towing companies will be used to impound abandoned vehicles, vessels, or outboard motors.

ii. The State Tax Vehicle Impound Form will be completed by the officer and marked in the "Abandoned/Possible Theft" box.

iii. Vehicles, vessels, or outboard motors impounded as abandoned must have been left unattended on a highway for a period in excess of forty eight (48) hours or on any public or private property without express or implied consent of the owner or person in lawful possession or control of the property for a period in excess of seven (7) days.

2. Vehicles, vessels or outboard motors abandoned on the streets, roadways, highways, or other City property will be handled by the Police Department.

i. Officers will make reasonable efforts to contact the owner of the vehicle to have it moved before impounding.

ii. The officers will document those efforts in his/her incident report.

3. Private Property.

(a) Abandoned vehicles, vessels or outboard motors subject to impoundment from private property shall be the responsibility of the property owner or person in lawful control of the property, or will be referred to Ordinance Enforcement.

(b) If officers are contacted or dispatched on a private property abandoned vehicle, vessel or outboard motor, the officer will check the V.I.N. to determine if the vehicle has been reported stolen.

4. Vehicles abandoned in private parking lots are civil in nature with the exception of fire lane violations. An officer's responsibility when called to the scene in such a situation is to ensure that no breach of the peace occurs. If counsel is sought, the parties involved should be instructed to contact their respective attorneys with regard to their reciprocal rights and liabilities.

5. An officer who has reasonable grounds to believe that a vehicle, vessel, or outboard motor has been abandoned may remove the vehicle, vessel, or outboard motor or cause it to be removed in accordance with Utah Code 41-6a-1406 or 73-18-20.1 and Department policy.

(b) Suspected stolen vehicles.

1. An officer may seize a vehicle, vessel, or outboard motor suspected of being stolen in accordance with Utah Code 41-1a-1101.

(c) Recovered stolen vehicle.

1. If the owner of the recovered stolen vehicle cannot be contacted, or if contacted, cannot respond to take possession of the vehicle in a reasonable period of time, the officer will State Tax impound the vehicle. The officer will document and include in his/her report what efforts were made and means were used to contact the owner and the time that these activities occurred.

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(d) Improper registration. In accordance with Utah Code 41-1a-1101 an officer may impound a vehicle when:

1. A Utah resident owner is operating a vehicle registered in another state in the Utah resident's name.
2. A person is operating a motor vehicle that displays license plates registered to another vehicle, regardless of ownership, and without evidence of an authorized license plate transfer.
3. There is no evidence of proper registration.
4. There are valid permits that have expired.
5. A vehicle is being operated with expired license plates. Officers should use discretion when impounding for expired license plates. If the registration has lapsed less than six (6) months, a citation may be issued. If the lapse is over six (6) months officers should consider impounding but it is not mandatory.

(e) DUI arrests/impounds.

1. When an officer arrests a driver of a vehicle for DUI, the officer will impound the vehicle. The officer will request that the dispatcher assigns the impound to a Department-approved and authorized State Tax impound towing company. The officer will complete a State Tax Vehicle Impound Form, and the West Valley Police Vehicle Impound Form. The only exceptions to this procedure are:

   i. The officer may release the vehicle if there is a registered owner of the vehicle, other than the operator, present at the time of the arrest, and they request that the vehicle not be impounded. In that case, the officer must ensure that the requesting individual:

      A. Has a valid operator's license.
      B. Has sufficient identification to prove co-ownership/registration of the vehicle.
      C. Complies with all restrictions of his/her operator's license.
      D. Would not, in the officer's judgment, be in violation of any law if permitted to operate the vehicle.
      E. The vehicle is legally operable.

   ii. The officer may also release the vehicle if a registered owner, not the operator, at the scene requests the vehicle not be impounded and identifies a person present at the time of the arrest to take custody of the vehicle. In that case, the officer must ensure the person taking custody of the vehicle:

      A. Has a valid operator's license.
      B. Complies with all restrictions of his/her operator's license.
      C. Would not, in the officer's judgment, be in violation of any law if permitted to operate the vehicle.

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D. The vehicle is legally operable.

(f) The copies of the State Tax Vehicle Impound Report and the West Valley Impound form will be included with the officer's incident report and distributed as required by law and established procedure.

(g) In addition to DUI, an officer who arrests, cites, or refers a driver for violating any of the offenses listed below, shall complete a State Tax impound of the vehicle. The same exceptions to impounding the vehicle that are listed above in the section regarding DUI arrest/impounds, also apply (Utah Code 41-6a-527).

1. Interlock restricted driver (Utah Code 41-6a-518.2).
2. Refusal of implied consent to chemical tests for alcohol or drugs (Utah Code 41-6a-520).
3. Alcohol restricted drivers (Utah Code 41-6a-530).
4. Speed contest or exhibition on highway (Utah Code 41-6a-606).
5. Person under 21 operating a vehicle with detectable alcohol in the body (Utah Code 53-3-231).
6. Driving a vehicle while driving privilege is denied, suspended, or revoked for the following reasons (Utah Code 53-3-227(3)(a)(i) through (iv) and (ix)):
   i. A refusal to submit to a chemical test under Utah Code 41-6a-520.
   ii. A violation of the DUI/alcohol or DUI/drugs laws (Utah Code 41-6a-502 & 41-6a-517).
   iii. A violation of a local DUI ordinance and related ordinances that comply with Utah Code 41-6a-510.
   iv. A violation of the alcohol-restricted driver law (Utah Code 41-6a-530).

507.8.3 RECORDS

Members of the Records Section shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

507.8.4 VEHICLE IMPOUND REPORT

Department members towing a vehicle shall complete a Vehicle Impound Report in the format approved by the Motor Vehicle Division. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

The Department shall forward the Vehicle Impound Report containing all required information to the Motor Vehicle Division before noon on the next business day after the date of the impoundment (Utah Code 41-6a-1406(4)).

507.8.5 INFORMATION TO TOW TRUCK DRIVER

When an officer has a vehicle removed but not impounded, the officer shall provide the tow truck operator with their name and badge number, the name and originating agency identifier of the Department, and the Department case number (Utah Code 41-6a-1406(5)).

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507.8.6 TOWING SERVICES

The City of West Valley contracts with a firm to act as the official tow service for West Valley City. Officers will request the dispatcher call only the City contract towing company to make City Impounds.

(a) Vehicles may be impounded using a City Impound and held pending release for the following reasons:

1. Hold for evidence. The officer will detail in his/her report the reason for the hold or impound.
2. Hit and run. Vehicles should be impounded for hit and run only if the suspect cannot be located and/or the vehicle has evidence which has to be preserved or examined in a more conducive location. Otherwise the vehicle should be impounded as a State Tax Impound.
3. Traffic hazards. (Utah Code 41-6a-1405). Unattended vehicles left standing on a highway or in a position or under circumstances that obstruct the normal movement of traffic where the owner cannot be located. If the owner cannot be located, the vehicle should be impounded as a City Impound, hold for owner.
4. Driver arrest. When the driver of a vehicle is arrested and taken into custody, the vehicle may be impounded as a City Impound to be held for the registered owner of the vehicle. Exceptions to City Impound on a driver arrest are if the driver is arrested for DUI, or if the vehicle being driven by the arrested party is a reported or suspected stolen vehicle. If the driver of the vehicle is arrested for a narcotics-related offense, the officer should consider whether the vehicle qualifies as a City impound hold for seizure, per the applicable policy.
    i. The officer should allow the registered owner to release the vehicle to another driver if:
        A. It will not unduly inconvenience the officer in conducting the investigation and continuing with the officer's duties.
        B. The owner signs the written release of liability form.
        C. The individual the vehicle is being released to has a valid operator's license.
        D. The individual would not, in the officer's judgment, be in violation of any law if permitted to operate the vehicle.
        E. The vehicle itself is legally operable.
    ii. The officer should allow the registered owner to leave the vehicle where it is parked if:
        A. It will not unduly inconvenience the officer in conducting the investigation and continuing with the officer's duties.
        B. The owner signs the written release of liability form.
        C. The vehicle is legally parked.
        D. It would not put the officer or the public in danger.

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507.8.7 RECORDS SECTION RESPONSIBILITY FOR IMPOUNDS

The Records Section employees shall follow the procedures listed below:

(a) The Records Section employee receiving the officer's daily packets will separate the impound form and attach any paperwork, such as the State Tax Impound Forms, City Impound forms, etc. The Records Section employee will date stamp the time received.

(b) The Supervisor or NCIC Records Section employee will then check the vehicle by license plate and V.I.N. number to see if it is listed as stolen. The Records Section employee will then check the D.M.V. file and will print a copy of the last registered owner.

(c) Within 24 hours of the time of the receipt of the Impound forms from the officers, a written notice (the original impound form letter), shall be sent to the last listed registered owner of the vehicle. If the officer indicates that there is a new owner, different than listed on the D.M.V. records, a letter will also be sent to that person. The Records Section employee will sign the letter with his/her IBM number and will date the letter the day it is sent. A copy will be made of the letter and it will be attached to the case. The case will then be entered into the tow history file. The case will be assigned a tow history number.

(d) The Records Section will notify the Department of Motor Vehicles of all vehicles impounded for state reasons by sending the original State Vehicle Impound Report.

(e) If the letter to the last listed registered owner as described in section (c) above is returned by the U.S. Postal Service, a copy of the original envelope with the explanation for the return, such as "no forwarding address"will be included in the case file.

(f) An officer releasing the vehicle will contact the vehicle owner and impound yard and notify them that the vehicle can be released.

507.8.8 RELEASE OF IMPOUNDED VEHICLES

(a) Release of State Tax Impounds.

1. Vehicle owners should contact the State Department of Motor Vehicles for the conditions of release for his/her vehicle.

(b) Release of City Impounds.

1. Vehicle owners should contact the individual towing company for the conditions of release for his/her vehicle.

507.9 STORAGE OF VEHICLES

A vehicle being impounded shall be stored at a state impound yard in the county where the tow is initiated unless (Utah Code 72-9-608):

(a) The vehicle is being held as evidence, in which case the officer shall direct that the vehicle be stored at the impound yard where the Department stores such evidence.

(b) An impound yard in an adjacent county is closer to the location where the tow is initiated and the officer informs the vehicle's owner of the location of the impound yard.

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(c) An impound yard or tow service within the county where the tow is initiated is unavailable.

A vehicle being removed but not impounded shall be stored at a state impound yard unless the registered owner has requested a different location and made payment to the tow truck operator at the time of removal (Utah Code 41-6a-1406).

507.10 RECORDS

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

507.10.1 VEHICLE IMPOUND REPORT

Department members towing a vehicle shall complete a Vehicle Impound Report in the format approved by the Motor Vehicle Division. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

The Department shall forward the Vehicle Impound Report, containing all required information, to the Motor Vehicle Division before noon on the next business day after the date of the impoundment (Utah Code 41-6a-1406(4)).

507.10.2 INFORMATION TO TOW TRUCK DRIVER

When an officer has a vehicle removed but not impounded, the officer shall provide the tow truck operator with their name and badge number, the name and originating agency identifier of the Department, and the Department case number (Utah Code 41-6a-1406(5)).

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Impaired Driving

508.1 PURPOSE AND SCOPE

This policy provides guidance to those Department members who play a role in the detection and investigation of driving under the influence (DUI).

508.2 POLICY

The West Valley City Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Utah's impaired driving laws.

508.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic Unit Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Utah or another jurisdiction.

508.4 FIELD TESTS

The Traffic Unit Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

508.4.1 ORAL FLUID AND PORTABLE BREATH TESTING

A voluntary oral fluid test or portable breath test may be administered in accordance with UAC R714-501-3 and UAC R714-501-4 if there is evidence of impairment based on the totality of the circumstances after the FSTs have been administered. The oral fluid or portable breath test shall not be the primary factor upon which a decision to arrest is made.

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508.5 CHEMICAL TESTS

A person implies consent under Utah law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Utah Code 41-6a-520):

(a) The officer has reasonable grounds to believe that the person was operating or in actual physical control of a motor vehicle while:

1. Having a prohibited blood or breath alcohol content level as defined by Utah Code 41-6a-502 (DUI) or Utah Code 41-6a-530 (Alcohol Restricted Drivers).
2. Under the influence of alcohol, any drug, or combination of alcohol and any drug.
3. Having any measurable controlled substance or metabolite of a controlled substance in the person's body (Utah Code 41-6a-517).

(b) The officer has stopped a person under the age of 21 and has reasonable grounds to believe that the person was operating or in actual physical control of a vehicle or motorboat with a measurable blood, breath, or urine alcohol concentration in the person's body (Utah Code 53-3-231).

The officer shall direct an individual to submit to a chemical test when there is reasonable suspicion to believe that the person was operating or in actual physical control of a motor vehicle while impaired (Utah Code 41-6a-520).

If a person withdraws their implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

508.5.1 STATUTORY NOTIFICATIONS

An officer requesting that a person submit to a chemical test shall provide the person with a mandatory warning pursuant to Utah Code 41-6a-520.

508.5.2 BREATH SAMPLES

The Traffic Unit Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Unit Sergeant.

508.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Utah Code 41-6a-523; Utah Code 77-23-213). The blood draw should be witnessed by the assigned officer.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

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The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

508.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the person giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility. The collection kit shall be marked with the person's name, suspected offense, West Valley City Police Department case number, and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

508.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Utah Code 41-6a-520).

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

508.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of the Driver License Division’s (DLD) intention to revoke the person's driving privilege or license upon the person (Utah Code 41-6a-520).

508.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist (Utah Code 77-23-213):

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.

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508.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Verify that a search warrant has been obtained that authorizes the use of reasonable force to perform the blood draw.

(b) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(c) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(d) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(e) Ensure that the blood sample is taken in a medically approved manner.

(f) Ensure that the forced blood draw is recorded on audio and/or video when practicable.

(g) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

1. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
2. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(h) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

508.7 ARREST AND INVESTIGATION

508.7.1 ARREST AUTHORITY

An officer may make a warrantless arrest of a person that the officer has probable cause to believe has violated the DUI laws of this state, whether or not the offense occurred in the officer's presence (Utah Code 41-6a-508).

508.7.2 VEHICLE IMPOUNDMENT

An officer who arrests a person for DUI shall seize and impound the vehicle the person was driving at the time of the arrest. If operable, the vehicle may be released upon request to the registered owner of the vehicle if the person is able to present proof of ownership, a valid driver's license, and demonstrate that the individual would not be in violation of the DUI laws of this state if permitted to operate the vehicle (Utah Code 41-6a-527).

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508.7.3 OFFICER RESPONSIBILITIES

An officer serving a person with a notice of the DLD intention to revoke the person's driving privilege or license shall also (Utah Code 41-6a-520):

(a) Issue the person a temporary license certificate.

(b) Provide the person with basic information regarding how to obtain a hearing before the Driver License Division (DLD).

(c) Forward a report to DLD within 10 days of giving the notice to the person that the officer had reasonable grounds to believe the arrested person was DUI and that the person refused to submit to a chemical test as required by law.

(d) Ensure that all persons under arrest for suspected DUI are under constant supervision by a law enforcement officer. Arrested persons will not be left unattended in any area designated or utilized for administering Field Sobriety Test or Chemical Tests.

(e) Ensure that **officer safety** is a priority when dealing with impaired arrested persons. The arresting and assisting officers should be highly aware of the confined spaces that they may be working in and the proximity of the weapons that they are carrying on their duty belt. This includes, but is not limited to: firearm(s), Taser (Conducted Energy Device (CED), OC, knives, and asp/baton.

(f) Two officers will be present during the administration of any physical or chemical tests on an impaired arrested person if it is necessary for an officer to turn off their police radio in order to avoid interference with equipment during testing. Officers should utilize the orange "panic button" on the handheld radio if there is a "distress" while in the testing area.

(g) Persons arrested for impairment will remain handcuffed while in the designated testing areas. If the officer believes that the person has the potential to be combative, additional officers will be called to assist the arresting officer. The exception to this policy will be when a blood draw is being conducted: handcuffs may be removed for the draw when multiple officers are present. This will ensure the safety of the arrested person and the officers, and prevent escape.

508.7.4 SELECTION OF CHEMICAL TEST

The investigating officer shall determine which chemical test or tests to administer to a person and how many tests will be administered. In the event that an officer requests that the person submit to more than one test, refusal by the person to take one or more of the requested tests, even if the person has already submitted to one test, is nonetheless considered a refusal under state DUI laws (Utah Code 41-6a-520).

508.7.5 ADDITIONAL TESTING

A person may have qualified medical personnel administer an additional test at the person's own expense. The additional test shall be administered subsequently to that which is administered at the direction of the officer (Utah Code 41-6a-520).

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508.8 REPORTING

The Traffic Unit Sergeant shall ensure that the Department complies with all reporting requirements pursuant to Utah Code 53-10-206.

508.8.1 CRASH AND ARREST DATA

The Traffic Unit Sergeant should facilitate the collection of information from officers required by Utah Code 53-10-118 for submission to the State of Utah, Department of Public Safety, Criminal Investigations and Technical Services Division (Utah Code 53-25-104).

508.9 RECORDS SECTION RESPONSIBILITIES

The Records Section Director will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

508.10 ADMINISTRATIVE HEARINGS

The Records Section Director will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Driver License Division (DLD).

508.11 TRAINING

The Training Unit sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques, and rules of evidence pertaining to DUI investigations. The Training Unit sergeant shall also ensure that each officer receives training on the current standard field sobriety testing guidelines established by National Highway Traffic Safety Administration and on the proper use of oral fluid and portable breath tests (Utah Code 41-6a-515.6; Utah Code 53-25-102; UAC R714-501-3; UAC R714-501-4).

The Training Unit sergeant should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

509.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction and voiding of traffic citations.

509.2 RESPONSIBILITY FOR ISSUING AND STORAGE OF TRAFFIC CITATIONS

The majority of citations issued to traffic violators and misdemeanor arrestees are done electronically through a system managed by the State of Utah. The State issues blocks of citation numbers to each individual officer. The officer automatically receives a new block of numbers when the last block of numbers assigned to that officer has been used.

Officers are issued books of paper citations, one book at a time, to be used in cases where they cannot access the electronic citation system. These books of citations are secured in a locked closet and must be issued to the officer by a supervisor. These citations are not numbered. If an officer issues a paper citation, the citation must later be entered into the electronic citation system by the officer or a records clerk.

Paper copies of citations, whether a printed copy of the electronically issued citation or a paper citation issued in lieu of an electronic citation and later entered into the State system, are destroyed after being scanned into the Department's electronic filing system.

As citations are issued to traffic violators and misdemeanor arrestees, officers will account for the citation by listing the citation number on their daily activity log.

509.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of the Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Only the court has the authority to dismiss a citation that has been issued (Utah Code 77-7-26). A

Any request from a recipient to dismiss a citation shall be referred to any supervisor of the rank of Lieutenant or above. Upon a review of the circumstances involving the issuance of the traffic citation, the Lieutenant may request the Deputy Chief to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to a Lieutenant for review.

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509.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued (handed to the recipient). All copies of the voided citation will be placed in a secure box for shredding.

509.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a report requesting a specific correction to his/her immediate supervisor. The citation and report shall then be forwarded to the appropriate prosecutor's office.

509.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of the Department shall be filed with the Records Section.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to his/her immediate supervisor.

509.7 PARKING VIOLATION APPEAL PROCEDURE

Appeals of Parking Violations are addressed in the Parking Enforcement policy.

509.8 TRAFFIC VIOLATIONS BY NON-RESIDENTS, JUVENILES, LEGISLATORS, FOREIGN DIPLOMATS AND MILITARY PERSONNEL

(a) Traffic violations committed by non-residents of West Valley City will be handled in the same manner as any other traffic violation.

(b) Juveniles who commit misdemeanor traffic violations of Utah Code, Title 41, may be issued a citation like an adult violator. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

(c) Members of the Legislature may be issued a citation for a traffic violation. However, the appearance date on the citation should not fall during a general or special legislative session of the Legislature or for 15 days immediately preceding and following each session.

(d) A traffic citation may be issued to a foreign diplomat or consular official regardless of the violator’s immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever a citation is issued to an immunity claimant, the officer should follow the procedures for Citable Offenses.

(e) Members of the military are exempt from arrest or citation:

1. During military formations, exercises, mobilization, or other duty when exigent, perilous, emergency, or similar circumstances require the member’s presence.
2. While traveling to and from military duty locations when exigent, perilous, emergency, or similar circumstances require the member’s presence.
3. This exemption does not extend to arrest or citation if the military member is operating a vehicle in a reckless manner or while under the influence of any drug or alcohol, or if the violation is a class A misdemeanor or felony.

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4. Traffic violations committed by military members outside of the exceptions above will be handled in the same manner as any other traffic violation.

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Parking Enforcement

510.1 PURPOSE AND SCOPE

To establish and maintain a program to identify and enforce parking ordinances and address specific parking concerns. The primary goal of the program is to gain voluntary compliance with parking regulations through enforcement activities and improved citizen awareness and education.

510.2 STAFFING

This program is staffed by Parking Compliance Specialists employed by West Valley City for parking enforcement.Parking Compliance Specialists are under the supervision a Parking Compliance Supervisor, who is under the supervision of the Community Services Section Lieutenant**.**Parking Compliance Specialists perform a definite and necessary function in relation to the enforcement of city parking ordinances and regulations.

510.3 DUTIES

The primary duties of Parking Compliance Specialists are the maintenance of safe and efficient vehicle parking, the regulation of metered stalls, timed parking, and the enforcement of parking ordinances.This is achieved through the issuance of citations for violations including, but not limited to, expired meters, restricted zone parking, red curb markings, and handicap parking. Maintenance of general records and statistical data is an important facet of this operation. The duties of this position are administrative in nature, and Parking Compliance Specialists will remove themselves from confrontational situations. Unless otherwise indicated in this policy, Parking Compliance Specialists will follow West Valley City Policies and Procedures and West Valley City Police Department policy.

510.4 INCLEMENT WEATHER CONDITIONS

During inclement weather, Parking Compliance Specialists will patrol neighborhoods, school zones, hospitals, and malls for parking violations or perform other assigned duties as directed by the Parking Compliance Supervisor or Community Services Lieutenant. Parking Compliance Specialists will work individually unless directed to do otherwise by the Parking Compliance Supervisor or Community Services Lieutenant.

510.5 CITATION WRITING

Citations will be issued using Department-issued hardware and authorized software. Parking Compliance Specialists will be familiar with its operation.Parking Compliance Specialists must be able to maintain the assigned equipment and perform authorized maintenance as required.

510.6 COMMUNITY RELATIONS

Parking Compliance Specialists are not only engaged in enforcement activities, but also act as a liaison between the City and the community. Parking Compliance Specialists should explain codes and regulations to the public and provide general information regarding State and Municipal parking ordinances. Additionally, Parking Compliance Specialists should establish and

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maintain effective relations with merchants and the working/shopping public. Parking Compliance Specialists represent the City as a reliable public information source.

510.7 EQUIPMENT

(a) To report lost or damaged equipment, accessories or other items, Parking Compliance Specialists shall, at the earliest opportunity, advise their immediate supervisor and submit a memorandum through channels requesting replacement or repair of the lost or damaged item(s). The memorandum shall contain a description of the circumstances surrounding the loss or damage, the names of witnesses, if any, and case report or citation numbers, if any.

(b) Parking Compliance Specialists will be trained and certified in the proper use of Department-issued pepper spray which shall be used for self-defense only.

(c) If Parking Compliance Specialists operate Department vehicles equipped with automated license plate readers (LPRs), they will be trained on this equipment prior to use and operate it in accordance with Department Policy §462 – Automated License Plate Readers (ALPRs).

(d) Upon termination of employment for any reason, all issued equipment will be turned in to the Department Training Unit.Failure on an employee’s part to turn in all issued items can result in the officer's final paycheck being withheld, pending reimbursement. In any instance where interpretation of this policy is in question, the Special Operations Bureau Deputy Chief will make the final decision.

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Disabled Vehicles

511.1 PURPOSE AND SCOPE

All law enforcement agencies having responsibility for traffic enforcement should develop and adopt a written policy to provide assistance to motorists in disabled vehicles within the Department's primary jurisdiction.

511.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another officer to respond for assistance as soon as practical.

An officer may remove a vehicle that has been involved in a collision (or property from within the vehicle) without the consent of the owner if it is blocking a roadway or is otherwise endangering public safety (Utah Code 41-6a-401.9).

511.2.1 RESPONSIBILITIES OF OFF-DUTY OFFICERS IN POLICE VEHICLES

When an off-duty officer is driving his/her assigned police vehicle and observes a disabled vehicle in the roadway, the officer should make a reasonable effort to provide assistance. The off-duty officer may request assistance from on-duty officers.

511.3 EXTENT OF ASSISTANCE

Under normal circumstances, police officers shall not provide the following types of assistance unless specifically approved by the on-duty shift supervisor:

(a) Providing mechanical repairs.

(b) Transporting gasoline or other petroleum products.

(c) Using city vehicles to push or pull a disabled vehicle.

In the event that the decision to use a city vehicle to push or pull a disabled vehicle is made, the officer/specialist will advise the individual that policy requires them to fill out a Release of Liability form. This form will be administered using the same guidelines described in the Motorist Assists and Vehicle Lockouts policy.

511.3.1 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The Department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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