Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the West Valley City Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A preliminary examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
    4. Make reasonable attempts to locate, identify, and interview all available victims, complainants, witnesses, and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face, or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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600.3.3 CRIME SCENE PROCESSING

The Department has access to crime scene investigators on a 24-hour basis to process crime scenes. The Watch Commander or the authorized designee shall notify the appropriate Department members or agency when investigative or processing assistance is needed.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Prior to initiating a custodial interrogation, the officer shall advise the arrested person of his/her Miranda rights (Miranda v. Arizona 384 U.S. 436, 1966). Each officer will carry, or be familiar with, the Miranda warning and will make the advisement by reading aloud from the Miranda warning card or reciting the warning. This advisement should either be accompanied by a signed waiver of rights, and/or the advisement and the individual's response should be electronically recorded.

At no time will officers use threats, coercion, or promises to force voluntary waiver of any rights granted to individuals.

A suspect who invokes his or her Sixth Amendment right to counsel cannot be interrogated unless and until the suspect's attorney is present, the suspect reinstates discussion about the case with police, or there has been a 14 day cooling off period after being released from custody (Maryland v. Shatzer 559 U.S. 98, 2010).

Please refer to the policy regarding Temporary Custody of Juveniles for the simplified Miranda warning, and other procedures that apply to conversations with minors.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense as defined in Utah Code 76-3-203.5(1)(c)(i) should be recorded (audio or video with audio, as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

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(a) All reasonable investigative efforts have been exhausted; no reasonable belief exists that the person who committed the crime can be identified; and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

2. Warnings shall not be given for felony offenses, or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse Policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available. Refer to the policy regarding Computers and Digital Evidence.

600.7 ELECTRONIC EVIDENCE AND NONPUBLIC VICTIM OR WITNESS DATA

Members conducting criminal investigations shall make reasonable efforts to collect electronic evidence from a victim or witness (Utah Code 77-4-202).

For purposes of this section, electronic evidence means electronic data or information that is directly related to the criminal case and that requires disclosure under state or federal law.

Nonpublic victim or witness data means electronic data or information provided by a victim or witness that is not electronic evidence, is not otherwise available to the public, and for which a reasonable person would believe that the victim or witness has a reasonable expectation of privacy.

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600.7.1 INVESTIGATIONS SECTION SUPERVISOR RESPONSIBILITIES

The Investigations Section supervisor is responsible for developing procedures for the handling of and access to nonpublic victim or witness data including (Utah Code 77-4-202):

(a) Identifying nonpublic victim or witness data and segregating it from other electronic evidence.

(b) Retaining nonpublic victim or witness data within the care, custody, and control of the Department, except as otherwise provided by law.

(c) Maintaining nonpublic victim or witness data in an environment that is controlled and protects the privacy of victims and witnesses.

(d) Restricting the use of nonpublic victim or witness data to legitimate law enforcement purposes.

(e) Coordinating with the prosecuting attorney regarding the disclosure of, or requests for access to, nonpublic victim or witness data.

(f) Restricting the copying, photographing, or otherwise reproducing of nonpublic victim or witness data, except as authorized by law.

(g) Prohibiting the direct release of nonpublic data to a pro se defendant, except as authorized by law.

(h) Making reasonable efforts, when technically and operationally feasible, to implement secure methods for allowing authorized review of nonpublic victim or witness data while preventing unauthorized copying or duplication.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Refer to the Investigative Use of Social Media and Internet Sources Policy.

600.8.1 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Members of the Department are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Bureau Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 IDENTITY THEFT

A report should be taken any time a person living within the jurisdiction of the Department reports that the person has been a victim of identity theft. This includes:

(a) Taking a report, even if the location of the crime is outside the jurisdiction of this Department or has not been determined.

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance policy. Department members should encourage the individual to review the material and should assist with any questions.

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A report should also be taken if a person living outside Department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in West Valley City to facilitate the crime).

A member investigating a case of identity theft should ensure that the case is referred to the appropriate agency if it is determined that this Department should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for Department use and are specific to this type of investigation.

600.11 TRAINING

The Chief of Police or the authorized designee should designate one or more officers to complete training in cryptocurrency investigations. The designated officers should complete a POST-approved specialized cryptocurrency investigation training at least once every three years (Utah Code 53-6-202).

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Investigative Use of Social Media and Internet Sources

601.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing social media and internet sources for investigative purposes.

601.2 POLICY

Use of social media and other internet sources to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet for investigative purposes should only be accessed by Department employees while on duty and for purposes related to the mission of this Department.

601.2.1 DEFINITIONS

Definitions related to this policy include:

Alias social media profile – an undercover social media profile, associated with a social media alias, that is used by the Police Department to interact with suspects on social media sites.

Open source query – use of a software program to collect public, "open source" information about a suspect.

Social media alias – an undercover name used by the Department employees to interact with suspects on social media internet sites.

601.3 OFF-DUTY DISCOVERIES

If a member of the Department encounters information relevant to a criminal investigation while off duty or while using his/her own equipment, the member should note the dates, times, and locations of the information, take screen-captures, photographs, or videos (media) with Department equipment if practical, and report the discovery along with the media to his/her supervisor as soon as practical. The employee, or other Department member who has been assigned to do so, should attempt to document and corroborate the finding when on-duty and using Department equipment.

601.4 RECORD KEEPING

Information obtained via the internet may be retained temporarily for investigative purposes. If the information is related to a case, it should be added to the case as soon as practical; if not related to a case, the information shall be entered into a criminal intelligence system or purged within one year (see Temporary Information File).

Media obtained via the internet related to a case should be treated like photographic evidence (see Photographic Evidence) and be:

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(a) Uploaded through Evidence.com prior to the end of the submitting employee's shift on the day the media was gathered unless the officer receives a supervisor's approval to do otherwise;

(b) Categorized as "evidence" if they have evidentiary value; categorized as "citizen contact" if they do not, with the understanding they may be relabeled as information develops;

(c) Released following the Release of Photographic Evidence Policy.

601.5 INVESTIGATIVE USES OF SOCIAL MEDIA

During the course of an investigation, an employee may locate the social media profile of a victim, witness, or suspect. If the employee has been unable to identify another means to contact the individual, or if contact via social media is preferable, the employee may elect to contact the individual using their social media profile. Department members may use a true name or alias social media profile to make contact.

Task Force officers will follow the policies and practices of the Task Force or outside agency when acting in their capacity as a Task Force officer.

601.5.1 COVERT USE OF OPEN SOURCE QUERIES

(a) Open source queries may be used to seek or retain information that:

1. Is based upon a criminal predicate or threat to public safety; or
2. Is based upon reasonable suspicion that an identifiable individual organization has committed a criminal offense or is involved in or is planning criminal conduct or activity that presents a threat to an individual, the community, or the nation, and the information is relevant to the criminal conduct or activity; or
3. Is relevant to the investigation and prosecution of suspected criminal incidents or the prevention of crime; or
4. Is useful in crime analysis or situation assessment reports for the administration of criminal justice and public safety.

(b) An open source query may not be used to:

1. Infiltrate a private group; or
2. Surveil an individual.

601.5.2 AUTHORIZATION FOR ONLINE ALIASES AND ONLINE UNDERCOVER ACTIVITY

The use of alias social media profiles by individual officers is a valuable tool in the furtherance of various types of criminal investigations.

Members of the Department utilizing alias social media profiles for any purpose related to a criminal investigation shall notify their supervisor of the existence of the alias social media profile and request permission to use the alias social media profile in furtherance of that investigation.

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Members of the Department receiving supervisor permission to utilize an alias social media profile in this manner may attempt to be granted access to the social media profiles of individuals related to the criminal activity being investigated.

Department members utilizing an alias social media profile(s) shall do so in a manner consistent with court-recognized parameters already governing the use of covert or undercover investigative methods.

Department employees should utilize the appropriate deconfliction system when utilizing online aliases in an investigation that normally would require deconfliction.

601.5.3 OVERT USE OF SOCIAL MEDIA

If contact is established with an individual during a criminal investigation and the employee is not acting in an undercover or covert capacity, the employee shall:

(a) Immediately identify themselves and provide contact information;

(b) Consider whether contacting the subject in this manner will reveal an individual's cooperation with law enforcement and whether that will pose an undue risk to that individual's personal safety;

(c) Consider the implications of this type of contact for the case being investigated;

(d) Not use personal accounts to make such contacts.

601.6 SUPERVISOR RESPONSIBILITIES

The Special Investigations Section Lieutenant(s) shall review social media aliases annually for policy compliance and active use.

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Case Management

602.1 PURPOSE AND SCOPE

The West Valley City Police Department Special Operations Bureau has been established to provide for the complete and thorough investigation of reports of criminal activity received by the Department. This policy will establish expectations and standards for the operation of the Investigations Section regarding case management.

602.2 POLICY

It is the policy of the West Valley City Police Department to maintain an Investigations Section, in order to provide complete, accurate and thorough follow-up on criminal activity reported within West Valley City, or elsewhere in the State of Utah if requested. Personnel assigned as investigators follow-up on criminal incidents involving adult and juvenile victims, witnesses, and offenders, and provide immediate assistance at major incident scenes.

602.3 PROCEDURE

Case reports are routed to the Investigations Section from the Police Records Section through the Department's Records Management System (RMS). These cases will be routed to the sergeants for assignment to their respective investigators for follow-up investigation. Cases that most appropriately should be handled by another investigative unit, or other component of the Department, will be assigned to the respective supervisor/commander of that Bureau/Section/Unit via the Department's RMS. When possible, a courtesy email should accompany that assignment so the receiving supervisor is aware of the case reassignment.

602.4 INITIAL REPORTS AND OUTSIDE REFERRALS

One of the tasks of the Investigations Section is the compilation and processing of initial reports and referrals from outside agencies. These include, but are not limited to, Department of Child and Family Services (DCFS) Child Abuse and Neglect Reports (CANR's), Adult Protective Services (APS) referrals, and cases referred from other jurisdictions, or where an investigation by our Department is needed because of a conflict with the home agency. These cases are received from a variety of sources including the US Mail, electronic mail, facsimile, and in person requests, as well as landline and cellular phone calls. Unless exigent circumstances exist (e.g. a "red-tag" high-priority sex offense or child abuse referral), cases received via outside referral should generally be routed to the telephonic officer first for completion of an initial report. In some cases, DCFS will contact the SVU Sergeant, bypassing the telephonic officer. These cases are immediately sent to an investigator for review and an initial case is generated. The case will then be assigned consistent with the guidelines below.

602.5 PRIORITIZATION

Upon acceptable completion by the Records Section,receiving supervisor should consider as the top priority for assignment all cases involving felony offenses, including both adults and juveniles, and the suspect has been booked into a detention facility. Next, any cases needing immediate attention as identified by the Watch Commander Log,, email, or any other means communicated

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to the Investigations Section to which a member of the unit has reasonably been notified of. The remaining cases will be assigned equitably to the Detective Sergeants with consideration to their expertise and availability of specialists in juvenile crime, sex offenses, and major crimes personnel.

602.6 ASSIGNMENT OF CASES

Once an active offense report has been routed to a supervisor, it is reviewed and assigned to an officer/investigator based on the severity of the offense, potential solvability factors, and urgency. This case assignment is made by a supervisor, or his/her designee, through the Department's RMS. This system records the section, name of the assigned investigator, date assigned, and the status of the case. Any exigent circumstances or other comments can be added in the notes section of case management. The following items should also be considered when assigning a case:

Considerations:

- Has the suspect been named?
- Is there an independent witness?
- Potential for continued violence.
- A pattern of similar offenses.
- Potential for extensive loss.
- Community/Media interest.
- Solvability factors for all other screened cases.
- Witness to the crime.
- Physical evidence.
- Significant MO or physical description.
- Availability of investigative resources.
- Amount of workload compared to investigator availability.
- Internal and outside agency documents and information.
- Available expertise.

602.7 INVESTIGATIVE RESPONSIBILITY

(a) Once a case has been assigned to an investigator or other investigative personnel, accountability for that investigation and documentation of the case is the responsibility of the assigned investigator, including but not limited to:

1. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations;
2. Conducting additional interviews and interrogations;
3. Seeking additional information;

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4. Planning, organizing, conducting searches, and collecting evidence;
5. Identifying and apprehending suspects;
6. Determining involvement of suspects in other crimes;
7. Checking suspects' criminal histories; and
8. Preparing cases for court presentation.

(b) Any Department member that has involvement in the case should make appropriate entries in the case as well, so any activity in the case is recorded timely and accurately. As such, supplemental reports should be prepared and submitted by all personnel who have had an active role in an investigation.

(c) If the assigned investigator is unable to perform any tasks required in a specific investigation within a reasonable amount of time, the investigator should notify their assigned supervisor immediately.

602.7.1 ACCESSIBILITY TO INVESTIGATIVE FILES

Detectives may maintain a working file copy of cases assigned to them while investigative activities for that case are ongoing. Once assigned a case the detective will be granted access to the case, if otherwise restricted, so that a working file may be obtained if needed. All original documents will be maintained in the Records Section.

602.8 CASE MANAGEMENT & DOCUMENTATION

Ongoing case management and documentation is a top priority for the Investigations Section. The free notes section is an investigator's workload history of the case file. Notes are then used to document case-related activities. Notes are also required when all supplemental reports are completed, as well as when phone calls are made, email messages are sent, or other non-actionable items are completed. Use of the notes feature in the Department's RMS is mandatory and failure to adequately do so may result in disciplinary action.

602.9 SCREENING & FILING PROCESS

Once a case investigation has been completed, and unless a misdemeanor citation has been issued, or a Class A screening sheet completed, the assigned investigator will screen the case for charges if applicable. This can be done through several prosecuting agencies:

Salt Lake District Attorney Screening:

Felony Cases are screened and tracked electronically to the Salt Lake District Attorney's Office through their Prosecution Management System. **Homicides, sex crimes, or other high-profile incidents, must be screened in person** at the DA's Office or other designated location (i.e. Children's Justice Center, the Family Justice Center, etc.). The District Attorney still requires an initial entry into the Salt Lake District Attorney's Prosecution Management System before screening.

West Valley City Attorney Screening:

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Misdemeanor Cases are screened and tracked electronically to the West Valley City Attorney's Office through their Prosecution Management System. This accepts all infractions, Class B Misdemeanors, and Class A Misdemeanors that occur within the West Valley City limits.

Utah Attorney General's Office:

In a limited number of instances, cases may be forwarded to the the Utah Attorney General's Office for investigation and prosecution. For example, cases may be sent to the Internet Crimes Against Children (ICAC) Task Force.

United States Attorney Screening:

There are a limited number of felony cases that are accepted and indicted by the grand jury through the federal judicial system. These screenings must occur in person and are prepared on documents obtained through their office.

Outside Prosecution Agencies:

Must be addressed on a case by case basis. If crimes occurred in another or multiple jurisdictions, every effort should be made with the respective law enforcement agency/agencies, and/or their prosecuting authority, to present the case to the agency or jurisdiction best suited for a successful prosecution.

602.10 CASE DESIGNATIONS

Cases are designated as Open/Active until a closure designation is assigned to the case. In the Department's RMS Case Management module (Versaterm Clearance Block), there are three ways a case can be designated as closed:

- Cleared/Other;
- Arrest/Citation or Summons Served, or
- Cleared Exceptionally.

A supplemental report and any accompanying case closure documents must be submitted to the Records Section justifying one of the following designations:

Closed/Other:

(a) Cases that come to a supervisor's queue as closed.

(b) *Leads End*:

1. Lack of probable cause for an arrest.
2. No further follow-up can be conducted.
3. No suspect information exists for follow-up.
4. Victim cannot be contacted/located.

(c) Cases in which the victim is uncooperative or unwilling to assist with prosecution.

Arrest/Citation or Summons Served:

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(a) Criminal citation issued, with or without custodial arrest.

(b) Cases in which criminal charges have been filed by the appropriate prosecuting agency.

Cleared Exceptionally:

Cases which were actively investigated, a suspect or suspects were identified, but the case did not result in an arrest for one of the following reasons:

(a) *Death of the Offender:* Suspect was identified but is killed or passes away prior to arrest.

(b) *Extradition Declined:* Suspect was identified and found to be living outside of the State of Utah. Extradition is declined by prosecuting court where the suspect is located.

(c) *Prosecution Declined:* Charges were screened against a known suspect, but declined by the prosecutor's office.

(d) *Juvenile/No Custody:* Juvenile suspect was identified, but charges won't be filed, or juvenile is under the age of culpability.

(e) *Suspect Known:* Adult suspect was identified, but charges will not be filed at this time in the interest of justice.

(f) *Other Agency Prosecuting:* Suspect identified but charges are filed by other jurisdiction due to linked cases, conflict of interest, or crime was found to have not been committed in West Valley's jurisdiction.

(g) *Unfounded:* investigation reveals this is a civil matter or non-criminal offense.

602.11 PURGING / CONSOLIDATING CASE FILES

The assigned investigator will ensure all documentation associated with a completed case is purged from any working files and forwarded to the original file maintained by the Records Section in the records management system. Duplicate documents will be destroyed by shredding. All field notes taken by all investigators who assisted in the investigation (if retained) will be included in the case supplemental report or forwarded to the original file maintained in the Records Section.

Investigation supervisors will be responsible for conducting regular audits of the cases assigned to their personnel, and will ensure that when cases are completed, the working files have been properly consolidated into the original file and duplicate documents properly purged

The Records Section is the ultimate custodian of police records. They process all reports, citations, and all other paperwork or documentation generated or collected both electronically or manually by the Department. They are responsible for the accurate and timely processing of these submissions. The Records Section uses the Department's RMS to record all data that is entered, including information obtained through the Computer Aided Dispatch System (CAD) through Valley Emergency Communications Center (VECC).

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602.11.1 SUBMISSION OF DOCUMENTS TO RECORDS

Each member of this organization is responsible for the appropriate submission of reports, and case documents to the records and/or evidence unit. Although there are a variety of ways data can be submitted to the Records Section, it is the responsibility of each departmental member to assure this information is submitted properly. The two most common ways are hard copy and electronic, as follows:

(a) Hard Copy- documents, case updates, reports, witness statements can always be submitted for processing by the Records Section via the packet system. The documents are put in a packet and placed in a collection box for the Records Section. Different colored packets are used to indicate the level of priority for processing and submission.

(a) Electronically- anything capable of being created or transferred electronically can be submitted to the Records Section via OnBase Workflow. This is a preferred method, as it time stamps each step in the process and is easier for Records Section personnel to approve and submit directly to OnBase without the need for manual scanning.

602.12 CASE AUDITS

Department members are ultimately responsible for the efficient and effective management of their assigned cases for follow-up investigation. In addition, Department supervisors must ensure that cases are being investigated timely, appropriate documentation is included in the investigation and Department's RMS, and that employees are properly managing their workload. To this end, Monthly Case Auditsare tools for both Department members and supervisors to proactively and routinely audit productivity. Case audits may also be conducted at any time by the Chief of Police or their designee.

Monthly Case Audits:

The most important auditing function is the Monthly Case Audit. Each Department supervisor is responsible to review their subordinate's active case load at least once a month, note any deficiencies, and meet with those respective personnel if necessary, to assist them in conducting a timely investigation. Documentation of these audits will be maintained by that supervisor and be available for review upon request by another supervisor.

602.13 SUPERVISORY RESPONSIBILITIES

Aside from overseeing all of the case management processes above and making the appropriate entries themselves, each first line investigations supervisor is responsible for maintaining a case assignment log.This log contains the number of active cases assigned to each investigator, and the number of pending investigations for their squad at the end of each month. This information, as well as other notable information, shall be provided to the Investigations Section Commander upon request for inclusion in a monthly report to the Deputy Chief of the Special Operations Bureau.

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Interview Rooms

603.1 PURPOSE AND SCOPE

This policy establishes guidelines for use of interview rooms to ensure the protection of victims, arrestees, witnesses, and police personnel. The intent is for the professional use of designated interview rooms and the admissibility of statements made therein as evidence in legal proceedings.

603.2 POLICY

The Department has designated interview rooms at the main Department facility. Uniformed and non-uniformed personnel will use these designated rooms for interviews, interviews that may become interrogations, and custodial interrogations. Law enforcement personnel from other agencies are permitted to use the interview rooms with the approval of a Department supervisor, and preferably under the supervision of a member of the Department.

603.3 INTERVIEW ROOMS

Definitions:

(a) Interview Room: Any designated room(s), whether located at the Police Department, Investigations Section, Salt Lake County Adult Detention Center, or any off-site police facility, that will be used by Department employees to either conduct custodial interviews of arrestees or non-custodial interviews of witnesses, victims, potential suspects, and Department employees/applicants. These rooms shall not be used as prisoner holding cells.

(b) Interview: An interview is a non-accusatory, structured conversation during which specific, behavior-provoking questions are asked with the purpose of eliciting interpretable behavior symptoms considered typical of truth or deception. Additional factual information concerning the case and/or suspects may also be developed during this non-accusatory exchange.

(c) Interrogation: An interrogation is a conversation between the interrogator and the suspect, during which the suspect is accused of involvement in a particular incident or group of incidents. The accusatory tone of the exchange is what distinguishes the interrogation from the interview.

603.4 INTERVIEW FACILITIES

Locations:

(a) Interview Rooms 1, 2 and 3 are located on the main floor of the Police Department, in the northeast corner of the Temporary Detention Area. These interview rooms are classified as secure interview rooms and are meant to be used for interrogations. Officers shall secure firearms in a gun locker, their vehicle, or other area which denies unauthorized access to the weapon when entering the Temporary Detention Area.

(b) Interview Rooms 238 and 239 are located on the second floor of the Police Department, within the Investigation Section area, across from the north elevator. These rooms are classified as non-secure interview rooms and should be used for interrogations. Officers may use their discretion whether to be armed based on the

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totality of the circumstances including relative isolation, attitude and demeanor of the interviewee, availability of back-up, and ability to summon assistance.

(c) Interview Rooms 200 and 201 are located on the second floor of the Police Department, across from the south elevator. These rooms are classified as non-secure interview rooms and should be used for interviews with witnesses and victims.Room 200 is furnished with a couch, end tables and soft chairs. This room can be used as a “soft” interview room.

(d) Interview Room 114 is located on the main floor of the Police Department, west of the front lobby. This room is classified as a non-secure interview room and should be used for impromptu interviews of witnesses and victims or non-custodial interviews with suspects.

603.5 CUSTODY VS NONCUSTODY

The physical layout and security measures in place at the Department create restricted access, suggesting that a person questioned for a potential criminal violation is, in fact, in custody. A Miranda warning is strongly suggested prior to any direct questioning regarding a specific crime to ensure the admissibility of the statements or information that is elicited. Absent a Miranda warning, officers must be cognizant of the implicit custodial nature created by the restricted access to these rooms.

603.6 WEAPON(S) CONTROL

Except in interviews conducted at the Salt Lake County Adult Detention Center (ADC), the Juvenile Detention Center (JDC), the Utah State Prison (USP), or in the Temporary Detention Area, it will be the sole discretion of the officer/investigator whether or not he/she maintains his/her authorized Department weapon(s) on their person while in an interview room. Should the officer/investigator elect to remove their weapon, it shall be properly secured. The ADC/JDC/USP policy concerning weapons shall be followed for interview or interrogations conducted at their respective facilities.

603.7 SECURITY

The interviewer or assisting personnel should inspect the room before and after conducting an interview/interrogation. Members of the Department should be alert to the contents of the room prior to utilizing it.

- All suspects and potential suspects will be pat down searched prior to entering the room. Pat down searches of the opposite sex will be conducted in accordance with the policy regarding Pat Down Searches.
- Suspect interviews/interrogations will be monitored in person or from an audio/ video monitor at all times. If a second officer is not immediately available, the officer/investigator shall take steps to ensure assistance can be summoned prior to conducting the interview/interrogation.
- The interview room is not a holding cell. If an arrestee or prisoner (adult or juvenile) is left alone in an interview room, he/she must be monitored at all times. The utilization of audio/visual equipment must be on and working prior to the officer exiting the room.An

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officer must be in close proximity to the room and be readily available to provide assistance, should they be summoned.

- Only one (1) arrestee/prisoner at a time will be in the interview room unless the combination of suspects will aid or advance any investigation.
- Arrestees/prisoners should be handcuffed during ingress and egress from the building, prior to and during interviews; however, the handcuffs may be removed at the discretion of the officer/investigator conducting the interview.

603.8 GENERAL GUIDELINES

(a) Items in the interview rooms should be limited to a table and enough chairs to accommodate the individuals in the room. Any other items brought into the room shall be at the discretion of the officer/investigator conducting the interview. Any items removed from the interviewee should be taken prior to an interview and secured to prevent theft or loss;

(b) The number of people present while conducting an interview/interrogation should be kept to a minimum. Typically, this should be no more than two officers/investigators and the person being interviewed. Special circumstances may require a parent, guardian, or legal Representation. Ultimately, it will be up to the primary officer/ investigator on a case-by-case basis, to make the decision as to who may be present;

(c) All individuals are afforded an opportunity to address their personal needs during an interview. It will be at the officer/investigator's discretion when a break will be conducted. All individuals being interviewed who wish to utilize the facilities (restrooms, water, etc.) shall be escorted by an officer/investigator at all times within any secured area of the West Valley City Police Department and Investigations Section;

(d) Audio/visual equipment shall be utilized when available and in compliance with Utah State Law governing the electronic recording of all custodial interrogations involving felony crimes. The monitoring equipment at the West Valley Police Department has the audio/visual media necessary to document interviews/interrogations. Any technical or supply issues should be brought to the attention of a supervisor to ensure they are addressed.

(e) It is strongly recommended that all statements relating to crimes resulting in death or violent felonies involving assaults, weapon offenses, sexual assault, kidnapping, child abuse, strangulation, or offenses being investigated as part of the same course of conduct as the offenses described above, or the waiver of such rights made during a custodial interrogation at a place of detention will be electronically recorded and handled as evidence.

(f) During an Interview/Interrogation, the door to the room should remain closed but not locked.

603.9 SUMMONING ASSISTANCE

- Uniformed personnel may request assistance by way of their portable radio.

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- Non-uniformed personnel may request assistance by way of their portable radio, cellular phone, or by verbal communication to personnel proximate to the interview rooms.
- Medical personnel are in close proximity to the Police Department building and can be summoned quickly if needed.

603.10 ACCESS TO RESTROOMS, WATER OR COMFORT BREAKS

Subjects will be provided access to the restroom, drinking water and other needs. Reasonable access to these needs cannot be withheld as an interview tactic. Comfort breaks are permissible when practical, but interviewers will maintain observation of the suspect during this time to ensure the suspect's safety.

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Sexual Assault Investigations

604.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults (Utah Code 53-25-201). These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

604.2 POLICY

Victims of sexual violence may be unwilling or unable to assist in an investigation due to the physiological effects of trauma or other factors. Officers and detectives play a significant role in both the victim's willingness to cooperate in the investigation and ability to cope with the emotional and psychological effects of sexual violence. Consequently, it is especially important that these cases be handled from a nonjudgmental perspective with an understanding of the human body's neurobiological response to trauma. For this reason, sexual offense-related investigations conducted by members of the Department will be conducted in a manner consistent with a trauma-informed response.

604.3 DEFINITIONS

Definitions related to this policy include:

Sexual Offense - As used in this policy refers to any of the following crimes: Aggravated Sexual Assault, Rape, Object Rape, Forcible Sodomy, Forcible Sexual Abuse, Sexual Battery, Lewdness, or voyeurism.

Trauma-Informed Victim Interview (TIVI) - An interview conducted by a properly trained detective in accordance with the principles of the neurobiology of trauma. This interview technique is designed to allow the victim to provide as much information about the crime as possible according to their ability to do so. This interview technique maximizes the detective's ability to obtain any corroborating information or evidence while minimizing the possibility of re-victimizing the victim. The interview also allows the victim to ask questions and express concerns as well as become informed as to the next steps in the investigation and their role in the investigative process.

Victim Advocate -This generic term may apply to a wide range of service providers, rape crisis counselors, social workers, or Departmental victim advocates. Depending on the primary functions of these different advocates, the levels of confidentiality and privilege they have will vary and should, therefore, always be understood by each member of the sexual assault response team and communicated to the victim.

Consent - Words or overt actions by a person who is legally and functionally competent to give informed approval, indicating a freely given agreement to engage in sexual acts.

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Examiner - The health care provider conducting the sexual assault medical forensic examination. Also known as Sexual Assault Nurse Examiner (SANE), Sexual Assault Forensic Examiner (SAFE), and Forensic Nurse Examiner (FNE).

Rape – Utah Criminal Code 76-5-402 defines rape as when the actor has sexual intercourse with another person without the victim's consent.

Sexual Assault Response Team (SART) – A multidisciplinary team that provides immediate, specialized response to victims of recent sexual assault. The team typically includes health care personnel, law enforcement representatives, victim advocates, social service agencies, and prosecutors. Many SARTs meet monthly and frequently engage in systems reviews to ensure that the best victim-centered services are being provided in their communities.

604.4 PROCEDURES

604.4.1 INITIAL OFFICER RESPONSE

(a) Upon notification of a crime of a sexual nature, the initial officer should respond as soon as possible to the victim's location to contact the victim, address safety concerns, and summon emergency medical assistance if needed. If emergency medical assistance is not necessary, the initial officer should ensure that the victim receives any other necessary medical care.

(b) In conducting the initial investigation, the initial officer should attempt to determine the location of occurrence, time of occurrence, type of sexual assault, victim contact information (also attempt to obtain contact information for the victim's next of kin, family, and close friends to assist detectives in being able to contact the victim in the future.) Contact information of witnesses, if any, and suspect should also be gathered. Any interview conducted by the initial officer with the victim should be limited in scope to these basic factors. A detailed, trauma-informed interview will be conducted with the victim at a later time.

(c) The initial officer should identify the scene, people, vehicles, or objects involved as well as possible safety concerns, and secure the crime scene to ensure that evidence is not lost, changed, or contaminated.

(d) In consideration of conducting the initial investigation of a sexual offense, the initial officer should treat each report as factual. The initial officer shall conduct him/herself in a manner to establish trust and rapport with the victim. Patience, understanding, and respect for the victim's dignity shall be expressed at all times. Officers should understand that their conduct during the initial investigation may serve to increase or decrease the victim's willingness to disclose important case facts and participate in the investigation.

(e) The use of alcohol or illegal substance(s) by a victim (including underage drinking) shall not be used to discredit or discourage a victim from reporting a sexual assault. The priority is to conduct a thorough investigation of the sexual assault rather than prosecute victims for misdemeanor violations.

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(f) The initial officer should discuss the importance of evidence preservation and should encourage the victim to participate in a forensic medical examination. The officer should be familiar with the various providers of sexual assault examinations in Salt Lake County and explain those options to the victim. If a victim is otherwise in need of medical care in a hospital setting, a SANE Nurse should be paged to the hospital to conduct the exam.

(g) The initial officer should attempt to locate, identify, and interview witnesses.

(h) The initial officer should attempt to identify suspect(s) and obtain contact information.

(i) If a victim desires, a victim advocate should be contacted as soon as possible to assist throughout the reporting and investigative process.

(j) The initial officer should discuss the circumstances and facts of the case with his/her supervisor. The supervisor will then make the determination if a Detective is to be called out for further, immediate investigation.

604.4.2 EVIDENCE COLLECTION CONSIDERATIONS

(a) In conjunction with their supervisor and/or detectives, consideration should be made toward requesting assistance from the Forensics Section in processing crime scenes related to sexual assaults.

(b) Responding officers shall protect the integrity of the evidence and guard the chain of custody by properly marking, packaging, and labeling all evidence collected, including:

1. Clothing worn at the time of the assault and immediately afterward.
2. Documentation of victim's and/or suspect's injuries, to include photographs.
3. In cases where a SANE exam is conducted, the SANE Nurse will document the victim's injuries during the exam.
4. On-scene photographs should also be taken as appropriate.

(c) When an investigating officer suspects that a sexual assault may have been facilitated with drugs or alcohol, the officer should determine the time of the incident as soon as possible in order to make decisions regarding the collection of urine and blood samples by a forensic nurse.

(d) Officers shall introduce the need for a medical examination to the victim explaining its importance relative to investigative efforts as well as for the victim's wellbeing. Officers shall not coerce victims into receiving a SANE exam or providing samples for drug screening.

(e) DNA evidence plays a crucial role in the sexual assault investigation. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources to consider such as condoms, sheets, blankets, pillows, bottles, etc. that may contain biological evidence such as semen, blood, sweat, tissue, saliva, hair, and urine.

(f) The sexual assault evidence kit (Code R Kit) shall be accepted from the SANE Nurse after it has been properly sealed and labeled.

1. The kit may contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible.

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2. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated.
3. Investigating officers or supervisors shall have access to the evidence refrigerator after regular business hours, on weekends, and on holidays.
4. The kit shall not be allowed to freeze or be exposed to heat, for example, by being placed near a car's interior heater.

604.4.3 INVESTIGATION CONSIDERATIONS

Responding officers and detectives shall be familiar with common defenses to the charges of sexual assault. Many cases of sexual assault result in a consent defense. Thus, evidence of particular importance includes, but is not limited to:

(a) Evidence of physical or verbal resistance on the part of the victim.

(b) Evidence of genital or non-genital injury.

(c) Detailed account of the victim's thoughts and feelings during the assault.

(d) Information regarding the suspect's size and strength in comparison to the victim's.

(e) Information regarding the environment in which the assault took place (such as isolation, and soundproofing).

(f) Information regarding the victim's behavior after the assault, including but not limited to post-traumatic stress.

Many cases of sexual assault also involve questions of identification pending the processing of DNA evidence; thus. officers should diligently attempt to identify and locate witnesses and corroborate information obtained during the investigation. Individuals with whom the victim discussed the sexual assault should be interviewed.

604.4.4 DOCUMENTATION

Any officer who interviews a witness or suspect, identifies evidence, or processes a crime scene shall write their own report detailing the actions taken.

It is important to document the emotions of the victim as well as physical observations (coordination, slurred speech, blood shot eyes, injuries, etc.).

Documentation, including recordings, shall be completed and entered into the official digital case file in a timely manner, and in sufficient detail as to appropriately document the details of the investigative activity.

604.5 VICTIM INTERVIEWS

(a) The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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(b) Whenever possible, a member of the SART should be included in the initial victim interviews.

(c) An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

(d) No opinion of whether the case is unfounded should be included in a report.

(e) Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Utah Code 77-37-202).

(f) Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance policy.

604.5.1 MEMBER RESPONSIBILITIES

A victim, or victim's designee, should be informed of applicable victim's rights, including the rights for victims of sexual offenses (Utah Code 77-37-3). Investigating members of the Department shall provide the victim, or the victim's designee, information in a timely manner as required by Utah Code 77-37-3 (e.g., DNA profile obtained, CODIS matches), including, if requested, any significant changes to the information.

604.5.2 NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION

When an officer arrests or issues a citation to a person 18 years of age or older for a qualifying sexual offense, the officer shall provide the individual with the written notice required by Utah Code 78B-7-802. Victims shall be provided notice in accordance with the Victim and Witness Assistance policy.

604.6 TRAUMA INFORMED VICTIM INTERVIEW PROTOCOL

Based on the length of time between the assault and report of the crime, and the individual's personal history, the victim may be in crisis and experiencing post-traumatic stress. Victims may exhibit a wide range of behaviors that may change over time. It is preferable that a few sleep cycles occur before the trauma-informed victim interview (TIVI) is conducted, to allow the victim's body to normalize following the trauma experienced.

Because individual responses to trauma vary greatly from person to person, the response to the trauma of a sexual assault shall not be used in any way to measure credibility. When a victim has experienced a traumatic event or drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime. Not knowing the details of what happened may exacerbate the trauma experienced by the victim.

(a) A thorough and complete investigation shall be conducted. Investigators shall:

1. Remain patient and maintain an open mind while listening to the victim's account.
2. Remember that victim may struggle with gaps in memory.

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3. Avoid leading questions while conducting the interview, and use open-ended questions instead.
4. Use simple terminology appropriate to the victim's age and sophistication.
5. Avoid using jargon to include police, medical, or legal terms during the interview.

(b) Prior to initiating the interview, the officer/investigator should:

1. Review all available reports and evidence, or if such is not yet available, speak with responding officers, paramedics, dispatchers, etc.
2. Accommodate the victim's request for a victim's advocate or support person whenever possible.

(c) The interview should be approached in a calm, compassionate, empathetic, and non-biased manner.

(d) Secure a private location for the interview that is free from distractions.

1. The interview should take place in a "soft" interview room. Use the Children's Justice Center or Family Justice Center as appropriate.
2. Victims should be treated with empathy at all times and the investigator should express interest in the victim's well-being.
3. Inform the victim of the importance of full disclosure of everything the person is able to remember about what happened.

(e) During the interview, the investigator should use the TIVI protocol and abide by the protocol guidelines.

(f) At the conclusion of the TIVI interview, the investigator shall:

1. Ensure that the victim has the investigator's and victim advocate's contact information.
2. Ensure that the correct and complete contact information for the victim is on file. This should include any temporary living arrangements, contact information for close friends, family, employment information, or other information as appropriate to assist in keeping in contact with the victim to increase the chances of the victim remaining engaged throughout the investigative process.
3. Encourage the victim to contact the investigator with any additional information or evidence.
4. Remind the victim that visible evidence of injury may appear later, and to contact the investigator to arrange for additional photographs or other documentation as necessary.
5. Inform the victim about the next steps in the investigation.
6. Express appreciation for the victim's participation in the interview.
7. Ask the victim if she/he has any questions.

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604.7 PROTECTING THE VICTIM

(a) Throughout the investigation, officers shall protect the confidentiality of the victim's information to the maximum extent possible by law, policy, and ethics.

(b) In addition, victims should be provided information on the rights of crime victims.

(c) Explanation of how to contact police if harassed or intimidated by the suspect(s) should be given.

(d) As appropriate, the victim should be advised of the possibility of media coverage as well as information the media has access to regarding sexual assault crimes.

604.8 ARREST AND PROSECUTION DECISIONS

In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding the investigation or charges related to the offense.

604.9 DELAYED REPORTS

Delayed victim reporting is common in sexual assault cases due to the trauma and fear experienced by victims and should not deter a thorough investigation. Officers shall inquire about and document the reasons for a delayed report, while avoiding questions that could be perceived as judgmental or accusatory.

604.9.1 DNA TEST RESULTS

(a) Members of the Department who are investigating sexual assault cases should ensure that a victim, or their designee, is notified of any DNA test results as soon as reasonably practicable (Utah Code 77-37-3).

(b) A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance policy.

(c) Department members who are investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

604.9.2 COLLECTION AND TESTING REQUIREMENTS

Members of the Department who are investigating sexual assaults or handling related evidence are required to:

(a) Notify the victim, or the victim's designee, if evidence will not be analyzed in a case involving an unknown perpetrator (Utah Code 77-37-3).

(b) Take possession of sexual assault kits within one business day after receiving notice from a collecting facility (Utah Code 53-10-904; Utah Code 53-10-907).

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1. The member taking possession of the kit should ensure that the required information is entered into the statewide sexual assault kit tracking system within five days of receiving the kit from a collection facility.

(c) Transfer the kit to the appropriate law enforcement agency within 10 days in cases where the incident occurred in another jurisdiction (Utah Code 53-10-904).

(d) Submit the kit to the Utah Bureau of Forensic Services within 30 days of obtaining possession of the kit except for cases involving restricted kits (Utah Code 53-10-904).

1. If available, a suspect standard or a consensual partner elimination standard shall be submitted with the sexual assault kit.
2. If not obtained until later, the standards shall be submitted as soon as possible but no later than 30 days after the Department obtained possession of the kit.
3. If the victim informs the West Valley City Police Department that the victim wants to have the kit processed and agrees to release of the sexual assault examination form with the kit, the kit may no longer be classified as restricted and shall be submitted to the Utah Bureau of Forensic Services as soon as possible, but no later than 30 days after the victim chooses to unrestrict the kit (Utah Code 53-10-904).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence policy.

604.10 FORENSIC EXAMINATIONS FOR VICTIMS OF SEXUAL ASSAULT

Victim-centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that injuries will be documented and that evidence will be collected to aid in the investigation and prosecution of sex offenders. The forensic examination also addresses other needs related to the overall wellbeing of a victim of sexual assault.

(a) Evidence may potentially be collected as long as 120 hours after the assault. In some circumstances, it may even be possible to gather evidence beyond 120 hours after the assault.

(b) Furthermore, injuries may be documented beyond that timeframe, especially if the victim is bleeding, experiencing pain, or still in the process of healing.

(c) As appropriate, direction from forensic nurses should be sought regarding the applicability of forensic examination as related to specific cases. Members of the Department shall be familiar with the process related to the administration of sexual assault examinations in Salt Lake County and shall seek appropriate direction as necessary.

604.11 FURTHER CONSIDERATIONS REGARDING FORENSIC EXAMINATIONS

- Ask the victim whether there is anyone who should be called or notified, and facilitate this contact.

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- Address any special needs of the victim such as communication, mobility, and notify the victim advocate of any such need.
- Explain the purpose of the forensic examination and its importance to the investigation.
- The victim has the right to decline any or all parts of the examination.
- Explain that in most circumstances involving a forensic examination, the Rape Recovery Center will be notified by the SANE Nurse prior to the exam.
- Encourage a victim who is unwilling to undergo a forensic exam to get any necessary medical attention.

604.12 COORDINATION WITH THE SEXUAL ASSAULT NURSE EXAMINER

(a) When a forensic examination is to take place, the investigating officer should brief the examining nurse or physician about the details of the sexual assault known at that point in the investigation.

(b) The police report shall contain a copy of the forensic exam documents and a summary of the findings specifically to include significant information or injury.

(c) All evidence obtained from the SANE Nurse following the examination to include code R kits, clothing, etc. shall be promptly transferred to the Evidence Unit and properly booked under the related case number.

604.13 INVESTIGATIVE STRATEGY

(a) Investigators should attempt contact with the victim within 24 hours of being assigned the case. A victim advocate should be involved in this contact if possible.

1. The initial contact should be used as an opportunity to arrange for an in-person TIVI appointment and to ensure that the victim's needs thus far in the investigation have been met. so as to assist in gaining victim cooperation and engagement in the investigative process.
2. In cases where a victim has indicated to the initial officer that she/he is not interested in pursuing the case, this should be verified with the victim. The victim's wishes in regard to whether or not the investigation is pursued should be respected. If a victim does not wish to pursue the investigation, the victim should be advised that she/he can change her/his mind at any point and the case can be re-opened. The victim should also be referred to appropriate resources.

(b) The TIVI interview should be conducted as soon as possible following the appropriate waiting period subsequent to the sexual assault.

1. The investigator should arrange for a victim advocate to be available during the interview. The advocate can be present during the interview with the victim's consent but will not participate in the interview.
2. Prior to conducting the interview, the investigator should determine what information is needed so that all necessary questions can be asked in one interview. Ideally, there should not be a need for any additional interviews.

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3. The investigator should arrange for an interpreter prior to the interview as necessary. Also, accommodations for victims with disabilities should be made prior to the interview as appropriate.
4. The investigator should explain the importance of the interview and that some questions may seem pointed, but they need to be asked in order to gather evidence.
5. At the conclusion of the interview, the investigator should explain the charging process to the victim, and provide the victim with the investigator's contact information. The investigator should encourage the victim to contact the investigator with any questions or concerns that arise.

(c) In cases where a "pretext" recorded phone call or meeting between the victim and suspect is used, the investigator should ensure that the victim is provided a thorough explanation as to her/his role in such a strategy. A victim advocate should be included when this explanation is offered to the victim. This method should only be employed with the complete understanding and cooperation of the victim, and the investigator shall take into consideration the victim's emotional and physical state.

(d) In addition to conducting a trauma-informed victim interview, the investigator should:

1. Evaluate the collected evidence and determine which items might have probative value based on the totality of the investigation. Ensure that all evidence that may have probative value is submitted to a crime lab for forensic analysis.
2. As appropriate, any victim medical records should be obtained with consent.
3. Ensure that forensic lab requests such as DNA, biology, trace, or toxicology requests are properly submitted. In cases where information suggests that a substance or substances may have incapacitated the victim during the assault without the victim's knowledge, blood and/or urine samples may need to be submitted for toxicology analysis. In cases where the victim reports having intentionally ingested a substance or substances which may have led to incapacitation, consult with the assigned prosecutor regarding proceeding with further toxicology testing.
4. Ensure that all interviews of victims, witnesses, and suspects are properly documented. If applicable, obtain a copy of the 911 recording.
5. Continue working with the victim advocate throughout the case so as to ensure that the victim remains informed as to the status of the case. The victim should be notified when the suspect has been charged and any questions the victim has should be addressed.
6. All cases involving an allegation of a sexual offense that include an identified suspect shall be screened with the appropriate prosecutor's office.

604.14 PROTOCOL FOR SUSPECT FORENSIC EXAMINATIONS

Following the preliminary suspect interview, the investigating officer shall determine whether a forensic sexual assault examination should be obtained for the suspect.

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(a) A search warrant may be necessary to collect any evidence from the body of the suspect or to collect the suspect's clothing if applicable. If the suspect consents to such evidence collection, documentation of voluntary consent shall be recorded and documented in the police report along with a signed consent form.

(b) Members of the Department shall be trained to collect cells from the inside of a suspect's cheeks for DNA profiling. Cotton tipped swabs or other buccal DNA collectors shall be readily available for members of the Department to use in collecting such samples.

604.15 RESTRICTED REPORTS OF SEXUAL ASSAULT AND SEXUAL ASSAULT CODE-R KITS

(a) In the state of Utah, health care providers are required to report to law enforcement any person seeking medical care related to a sexual assault. A victim may choose to:

1. Interview with law enforcement and have a forensic medical exam.
2. Interview with law enforcement, have a medical exam by a medical provider, and decline the forensic exam.
3. Interview with law enforcement and decline any medical or forensic exam.
4. Have a forensic medical exam and decline an interview with law enforcement.

(b) It is important to understand that following a sexual assault, a victim may not wish to pursue a criminal investigation. Cases where a victim does not wish to file a report with law enforcement but chooses to participate in a forensic medical exam are referred to as restricted reports. The victim may change their mind about this decision at any time. In compliance with state law, the Department shall retain all sexual assault kits obtained pursuant to a restricted report and no such sexual assault exam kits transferred to the Department's custody will be submitted to the crime lab for forensic processing unless and until the victim chooses to un-restrict their report or if it is deemed necessary for the safety of the public.

(c) All unrestricted code-R kits or their associated U-quick kit transferred to the Department's custody from any forensic nurse shall be submitted to the state crime lab for forensic processing. Evidence personnel shall be responsible for ensuring that all such kits are submitted to the crime lab within thirty (30) days and properly entered in the statewide sexual assault kit tracking system within five (5) business days. The supervisor of the Special Victim Unit shall be responsible for notifying the Forensics Section of any restricted code-R kits so as to ensure that such kits are not submitted to the crime lab for forensic processing.

(d) Officers taking custody of code-R kits and U-quick kits shall ensure that such evidentiary items are promptly and properly booked into evidence under the appropriate case number. In the case of a restricted code-R kit, the officer shall obtain a long-form case number and properly book the kit into evidence.

(e) Code R kits received from the Family Justice Center and Primary Children's Safe and Healthy Families will be accompanied by a packet of paperwork to be given to the assigned detective. This packet of paperwork shall be placed in the SVU sergeant's box or in the investigations box in the report writing room. On Code R kits received

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from Wasatch Forensic Nurses, this paperwork will be submitted to the Department electronically. The SVU sergeant, as well as some SVU detectives and Forensics Section personnel will be able to access these documents electronically.

604.16 INTERVIEWING JUVENILE VICTIMS

For victims under the age of 18:

(a) Usually officers can accept virtual hearsay information for initial reporting purposes as long as the person giving the information has had direct conversation with the victim concerning the crime and enough information is provided to establish that a possible sexual crime has been committed. If hearsay information is not available, the officer still needs to obtain enough information to complete an initial report. In doing so, the officer shall allow the victim to tell them what happened, without interruptions if possible. Once the narrative is received, limit questions to clarify basic information such as the site of occurrence, suspect information, and possible witnesses. It is not the officer's place to question the victim's narrative, even if it seems unreasonable and includes inconsistencies.

(b) It is very important to get accurate contact information for the victim and victim's parents or guardians, including, but not limited to, home addresses, home phone numbers, mobile phone numbers, work phone numbers, email addresses, and parent information.

(c) A SVU detective will follow up and a forensic interview will be conducted with the juvenile. When obtaining the initial report, it is advisable that no further questions of the victim be conducted.

(d) The initial officer should advise all other parties involved that it would be best that they not question the victim until after the forensic interview.

(e) If the victim lives in a home where the alleged suspect also resides, the Special Victims detectives need to be notified.

(f) Do not allow the victim to return to a home or any place where the suspect is going to be.

(g) Document the case and forward the case number to the Special Victims Unit sergeant.

604.17 CALL OUT OF DETECTIVE PERSONNEL

A detective may be called out:

(a) On all burglary sexual assaults.

(b) If the suspect is in custody.

(c) On child sex assaults where the suspect is in the home.

(d) If the victim is 65 years of age or older, or there is indication that the victim's mental or physical condition may deteriorate rapidly as a result of the incident.

(e) On investigations that require search warrants.

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(f) In cases where the officer or supervisor feels they need assistance. It is the officer's responsibility to discuss with their supervisor the necessity of making a request for a call-out of detectives.

(g) The request for calling out a detective must be made through the on-call Investigations supervisor.

604.18 TRAINING

Department officers will receive at least one hour of training annually on this policy, sexual assault and sex abuse investigations, and/or trauma-informed and victim-centered interview techniques.

604.19 PUBLIC ACCESS

This policy shall be published on the Department website for public access (Utah Code 53-25-201).

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Asset Forfeiture

605.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture, and liquidation of property associated with specified designated offenses.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - Any item that is unlawful to produce or possess under state or federal law, including controlled substances possessed, transferred, or distributed in violation of Utah Code 58-37-101 et seq. or Utah Code 76-18-201 et seq. and computers used to commit crimes involving child sexual abuse material or identity theft (Utah Code 77-11a-101).

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The Department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Seized property that has been used to facilitate the commission of a federal or state offense and seized proceeds when authorized under Utah Code 77-11b-102 (Utah Code 77-11a-101).

Seizure -The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

605.2 POLICY

The West Valley City Police Department recognizes that appropriately-applied forfeiture laws are helpful to enforce the law, deter crime, and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety, or any person's rights to due process.

It is the policy of the West Valley City Police Department that all Department members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

605.3 ASSET SEIZURE

Property and contraband may be seized for forfeiture as provided in this policy.

605.3.1 PROPERTY AND CONTRABAND SUBJECT TO SEIZURE

(a) Property and contraband that may be seized upon review and approval of a supervisor, and in coordination with the forfeiture reviewer, includes (Utah Code 77-11a-201):

1. Property subject to forfeiture that has been identified in a court order or is the subject of a prior judgment.

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2. Property and contraband subject to forfeiture that is seized upon the authority of a search or administrative warrant.

(b) Property and contraband subject to forfeiture can be lawfully seized without a court order when the seizure is incident to arrest, or when there is probable cause to believe:

1. It is directly or indirectly dangerous to health or safety.
2. It is evidence of an offense.
3. It has been used or was intended to be used to commit an offense.
4. It constitutes the proceeds of an offense.

(c) Whenever practicable, obtaining a court order for seizure prior to making a seizure is the preferred method.

(d) A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

605.3.2 PROPERTY NOT SUBJECT TO SEIZURE

Property that should not be seized for forfeiture includes (Utah Code 77-11b-102):

(a) Property that does not meet the forfeiture counsel's current minimum forfeiture guidelines.

(b) A motor vehicle used in a violation of driving under the influence of alcohol and/or drugs (Utah Code 41-6a-502); driving with any measurable controlled substance in the body (Utah Code 41-6a-517); negligently operating a vehicle resulting in injury (Utah Code 76-5-102.1); automobile homicide (Utah Code 76-5-207); or a local DUI ordinance may not be forfeited unless any of the following apply:

1. The operator of the vehicle has previously been convicted of a specified offense committed after May 12, 2009.
2. The operator of the vehicle was driving on a denied, suspended, revoked, or disqualified license and the denial, suspension, revocation, or disqualification was imposed based upon specified violations.

(c) Property used to facilitate specific crimes related to pornography or material harmful to children (Utah Code 76-5c-202; Utah Code 76-5c-204; Utah Code 76-5c-205; Utah Code 76-5c-305) if the seizure would constitute a prior restraint or interference with a person's rights under the First Amendment to the U.S. Constitution or the Utah Constitution.

(d) Property seized incident to an arrest solely for possession of a controlled substance or controlled substance analog under Utah Code 76-18-207 other than possession of 100 pounds or more of marijuana.

(e) Firearms belonging to an individual charged with possessing a firearm in a secure area of an airport if the individual may otherwise lawfully possess the firearm (Utah Code 76-11-218).

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605.3.3 SEIZED VEHICLES

Any vehicle that is identified as being the possible proceeds of a criminal act shall be impounded per Departmental policy and procedures, with the following exceptions:

(a) The officer will determine if the vehicle meets the forfeiture requirement.

(b) If the vehicle meets the forfeiture requirement, the vehicle will be impounded and taken by the towing company contracted to do City Impounds to the designated vehicle storage lot and stored in a secure area. The vehicle will not be State Tax impounded.

1. If the designated storage lot is unavailable, a supervisor may authorize that the vehicle be transported to the lot of the responding tow truck company.
2. The location where the vehicle is stored will be noted in the officer's report.
3. Photographs of the vehicle will be taken prior to impounding.
4. Officers will remove any personal property from the vehicle and, if the property is not evidence, return the property to the property owner while on scene, or book it into the Evidence Room for safekeeping.
5. Note the condition of the vehicle, including all damage.

(c) Once the vehicle is removed to the impound lot, two officers will make an inventory of the vehicle's contents and remove all remaining property from the vehicle. Property that is not evidence, and was not returned to the property owner on scene, will be booked into the Evidence Room for safekeeping. Any property that is evidence or that meets the forfeiture requirements will be booked into evidence in accordance with the Property and Evidence policy. If property in the vehicle is booked in for seizure, it shall be processed as described in the policy regarding Processing Seized Property for Forfeiture.

(d) Document the following in the initial report:

1. Any lien-holder or other person/entity that may have an interest in the vehicle.
2. Whether the registered owner of the vehicle was the driver or a passenger in the vehicle.
3. Any information that shows whether or not the owner or any interest holder had knowledge of the activity that subjected the vehicle to seizure.
4. If associated with narcotics, the type and weight of the narcotics found.

(e) Once a seized vehicle has been awarded to the Department, the forfeiture reviewer and a second employee will go through the vehicle to ensure that no property was missed in the original inventory. If any property is found in the vehicle, the forfeiture reviewer will determine if it shall be booked into the Evidence Room for safekeeping to be returned to the owner, or if the property is evidence, or subject to seizure. Any property that is evidence or that meets the forfeiture requirements will be booked into evidence in accordance with the Property and Evidence policy,

(f) The forfeiture reviewer will then arrange for the vehicle to be sold through the contracted auction business, and will follow up on all paperwork regarding the proceeds from the sale of the vehicle to ensure that the Department's costs are

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recouped, and the remainder of the funds are distributed to the State and prosecuting attorney's office.

605.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE

(a) When property subject to this policy is seized, the officer making the seizure should ensure compliance with the following (Utah Code 77-11a-203):

1. Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
2. Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
3. Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

(b) The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

(c) Photographs should be taken of items seized, particularly cash, jewelry, and other valuable items.

(d) Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

605.5 MAINTAINING SEIZED PROPERTY

The Evidence Unit supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Utah Code 77-11a-204).

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) Cash and other negotiable instruments are deposited into a restricted interest-bearing account designated solely for property subject to forfeiture within 30 days of seizure (Utah Code 77-11a-204).

(d) All property received for forfeiture is retained until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(e) Property received for forfeiture is not used by the Department unless the forfeiture action has been completed.

(f) Associated documentation complies with Utah Code 77-11a-203.

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605.5.1 IDENTIFICATION AND TRACKING OF SEIZED PROPERTY
The Evidence Unit supervisor shall identify and track all seized property in the same manner as booked evidence (see the Property and Evidence policy).

605.6 FORFEITURE REVIEWER

(a) The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture (Utah Code 77-11b-105).

(b) The responsibilities of the forfeiture reviewer include:

1. Remaining familiar with forfeiture laws, and the forfeiture policies of the forfeiture counsel.
2. Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
3. Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
4. Deciding whether the forfeiture is more appropriately made under state or federal forfeiture laws (Utah Code 77-11a-205). The forfeiture reviewer should contact federal authorities when appropriate.
5. Ensuring that responsibilities are clearly established whenever multiple agencies are cooperating in a forfeiture case.
6. Ensuring that seizure forms are available and appropriate for Department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
    i. Names and contact information for all relevant persons and law enforcement officers involved.
    ii. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
    iii. A space for the signature of the person from whom property is being seized.
    iv. A tear-off portion or copy, which should be given to the person from whom property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
    v. Any other information that may be needed to comply with Utah Code 77-11a-203.
7. Ensuring that those who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily

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Training Bulletins (DTBs), or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

8. Reviewing each asset forfeiture case to ensure that:
    i. Written documentation of the seizure and the items seized is in the case file.
    ii. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner (Utah Code 77-11b-201).
    iii. The notice of intent to seek forfeiture has been given in a timely manner to those who hold an interest in the seized property (Utah Code 77-11b-201).
        A. Prior to serving the notice, a search of public records shall be completed to identify the name and address of each interest holder of the property (Utah Code 77-11b-201).
    iv. Property is promptly released to those entitled to its return (Utah Code 77-11a-301; Utah Code 77-11a-304; Utah Code 77-11b-203).
    v. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
    vi. Any cash received is delivered to the Evidence Unit supervisor to be deposited.
    vii. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
    viii. Current minimum forfeiture thresholds are communicated appropriately to officers.
    ix. A copy of the property receipt is kept in the case file and, if the property is transferred to another agency, a copy of the receipt is provided along with the property (Utah Code 77-11a-203).
    x. Any records of a related interview of a child are retained pursuant to Utah Code 53-13-110.5.
    xi. The request for a forfeiture action has been presented to the forfeiture attorney as provided in Utah Code 77-11b-201.
9. Ensuring that the Department disposes of property as provided by law following any forfeiture (Utah Code 77-11b-401).
10. Ensuring this policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(c) Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

(d) Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Utah Code 77-11b-404).

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(e) A written plan should be available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

605.7 DISPOSITION OF FORFEITED PROPERTY

(a) No property seized shall be transferred, sold, or auctioned to an employee of this Department (Utah Code 77-11a-204).

(b) No member of this Department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No Department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

(c) Any property, money, or other items of value received by this Department pursuant to a federal forfeiture shall be used in compliance with federal laws and regulations relating to equitable sharing (Utah Code 77-11a-205). Such property may be used to fund crime prevention and law enforcement activities described in Utah Code 77-11b-403(10). State law prohibits the use of property or money received to be used for such things as salaries, benefits, any expenses not related to law enforcement, and other purposes specified in Utah Code 77-11b-403(11).

(d) Money received as a result of a federal forfeiture may only be used as approved by the City Council (Utah Code 77-11a-205).

605.8 LIMITATION ON FEES FOR HOLDING SEIZED PROPERTY

The Department will not charge a person contesting a forfeiture any fee or cost for holding seized property as the result of any civil or criminal forfeiture in which a judgment is entered in favor of the person, or where a forfeiture proceeding is voluntarily dismissed by the prosecuting attorney (Utah Code 77-11b-306).

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Suspicious Activity Information Management

606.1 PURPOSE AND SCOPE

The West Valley City Police Department receives information on suspicious activities requiring long-term investigations outside the scope of normal patrol duties. The purpose of this policy is to establish guidelines for the receipt of this information. Standardized procedures are necessary to ensure that information received is documented, analyzed, and disseminated appropriately for follow up investigation.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

606.2 POLICY

The West Valley City Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

606.3 PROCEDURE

(a) **Sources of Information** - The West Valley City Police Department receives information concerning vice, narcotics, organized crime, and other suspicious activity from a variety of sources including, but not limited to tips, citizens, West Valley City Police Department personnel and outside law enforcement agencies.

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1. All information received by the West Valley City Police Department regarding alleged illegal activity associated with vice, narcotics, organized crime, and suspicious activity reporting outside the scope of normal patrol duties is considered a tip.
2. All suspicious or threatening communication received by the West Valley City Police Department indicating a possible public safety concern or perceived public safety risk due to an expressed or implied threat is considered a tip.

(b) **Initial Documentation** - The West Valley City Police Department will use the Department's Records Management System (RMS) to document all tips.

606.4 REVIEW AND ASSIGNMENT PROCEDURES

(a) All tips will be received and reviewed by the Information and Intelligence Unit (IIU) Sergeant or his/her designee. An assessment will determine whether to assign the tip for further investigation.

1. The assessment will consider a variety factors and circumstances, to include:
    i. Seriousness of the alleged violation.
    ii. Credibility of the source of information.
    iii. Urgency of action.
    iv. Probability of taking effective action.
    v. Availability of personnel and resources.
    vi. Any operational issues unique to the situation.
2. Once a determination has been made to investigate, the tip will be designated as an active investigation and assigned to the appropriate unit supervisor to be assigned to an investigator or analyst.

(b) The Chief of Police is advised of the activities of the Special Investigations Section by means of Watch Commander Logs and, if needed, through daily contact with the Deputy Chief over the Special Operations Bureau or his/her designee.

606.5 INVESTIGATION AND DISPOSITION

(a) **Follow-up Documentation**

1. The assigned investigator or analyst will complete an initial or supplemental report(s) as needed to document investigative activities regarding a tip.
2. All active investigations will be documented in the Department's report management system.
3. All assigned tips will be thoroughly investigated in a timely manner.
4. Tips related to criminal activity, not within the jurisdiction of the West Valley City Police Department, will be forwarded to the appropriate law enforcement agency. The appropriate supervisor will forward a copy of the tip to the agency having primary jurisdiction.

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5. Tips meeting the FBI criteria for Suspicious Activity Reporting (SAR) will be forwarded to the State Information and Analysis Center (SIAC) for entry into the Guardian system and FBI review.

(b) **Disposition**

1. The responsible supervisor or assigned investigator will determine when an investigation is no longer active. This determination will be based on a variety of factors, including:
    i. The original information is found to be false or baseless.
    ii. The suspect is charged in another investigation.
    iii. The District Attorney/City Attorney will not issue an arrest warrant.
    iv. All investigative leads/techniques have been exhausted.
    v. The suspect was arrested and charged in this investigation.
    vi. The suspect is deceased.
2. Once an investigation is completed or determined to be inactive:
    (a) All original reports and related documentation will be forwarded to the Records Section.
    (b) The responsible supervisor will close out the case.

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Specialized Criminal Enforcement Units

607.1 ESTABLISHMENT OF SPECIALIZED CRIMINAL ENFORCEMENT UNITS

The West Valley City Police Department created proactive policing units to address criminal activity associated with drug trafficking, firearms offenses, vice related offenses, and fugitive apprehension. Since West Valley City's incorporation in 1980, as population has increased, the Department has experienced increased demand to address these criminal activities proactively. The Department adopted a targeted enforcement approach through specialized units in the Special Investigations Section.

607.1.1 CRIME REDUCTION UNIT (CRU)

The Crime Reduction Unit (CRU) is focused on narcotics and other vice related offenses within West Valley City.

607.1.2 SERIAL OFFENDER RESPONSE TEAM (SORT)

The Serial Offender Response Team (SORT) focuses on serial offenders and fugitive apprehension efforts, and conducts special projects as assigned by the Special Operations Bureau Deputy Chief.

607.2 SELECTION OF PERSONNEL

(a) Personnel shall be selected and assigned to a specialized unit based on experience, demonstrated interest in the unit's area of responsibility, disciplinary history, and overall fit with the unit.

(b) Assignment to a specialized unit has a tenure from three to five years, with the ultimate duration determined at the discretion of the Chief of Police.

607.3 TRAINING

Personnel assigned to a specialized criminal enforcement unit shall complete initial specialized training consisting of 50 hours of detective training prior to assuming unit duties. Personnel will also complete in-service training on a quarterly basis to maintain proficiency in the unit's area of responsibility.

607.4 SUPERVISORY RESPONSIBILITY

(a) Each specialized unit sergeant is responsible for the field supervision of assigned personnel, including:

1. planning and direction of unit activities;
2. training and mentoring of personnel; and
3. management of liability and risk associated with the unit's operations.

(b) Specialized unit sergeants shall ensure that responsibilities are clearly communicated to assigned personnel, and shall report to the Special Investigations Section Lieutenant on the unit's activities and any supervisory concerns.

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607.5 REPORTING

(a) Each specialized unit sergeant will submit a quarterly report to the Special Investigations Section Lieutenant and the Police Chief that lists the activities of the unit. The report shall include any unintended or unforeseen outcomes of the specialized unit's activities.

(b) Annually, each specialized unit sergeant will complete an administrative review that addresses:

1. the problems or conditions that led to formation of the unit;
2. the unit's impact on the problems or conditions; and
3. a recommendation as to whether the unit should continue its activities.

(c) On an annual basis, the Special Investigations Section Lieutenant shall submit a documented administrative review of the specialized criminal enforcement units and their personnel to the Chief of Police that includes:

1. Internal Affairs complaints;
2. use of force reports; and
3. vehicle pursuit reports.

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Covert Operations

608.1 PURPOSE

The purpose of this procedure is to create general guidelines to which all undercover operations must adhere. The adherence to established policies and procedures assists in securing the undercover agents' welfare, both physically and mentally, as well as enhancing the effectiveness of undercover operations. Only personnel who have been properly trained in undercover work will work in a covert capacity during operations.

It is a guiding principle of the West Valley City Police Department that all undercover operations be conducted in a safe and effective manner with an emphasis placed on the physical and mental wellbeing of undercover and sworn personnel.

608.2 BALLISTIC VESTS

As a general rule, a Department-approved ballistic vest will be worn by undercover personnel whenever they could reasonably be expected to take enforcement action, as outlined in West Valley City Police Department Policy 1014, Body Armor. This should include all search warrants, knock and talks, arrest warrants, backing assignments for controlled purchases etc. The exception to this guideline would be for undercover personnel involved in undercover transactions.

608.3 DECONFLICTION

Deconfliction is the process of determining when law enforcement personnel are conducting an event in close proximity to one another in order to avoid conflicts between agencies or officers, increase officer safety, and promote the exchange of information crucial to multi-jurisdictional investigations.

At the beginning of an investigation into suspected criminal activity, the lead investigator or supervisor shall contact RISSafe to deconflict the address of the suspected criminal activity.

If the investigation extends beyond thirty days, the investigator or supervisor should contact RISSafe to extend the deconfliction.

If the suspected criminal activity takes place outside of West Valley City, the lead investigator or supervisor shall, in addition to contacting RISSafe, contact the agency over that jurisdiction to ensure that there are no conflicting investigations occurring at the suspect location.

RISSafe procedures:

(a) The Regional Information Sharing System (RISS) program maintains the regional deconfliction program, RISSafe.

(b) The lead investigator, supervisor, or assisting analyst may access RISSafe by login at www.riss.net, by phone at 855-261-0011 during business hours, or by phone at 800-821-0640 after business hours. Members of the Department who wish to become users of the system must follow RISSNET application and training procedures and must abide by their policies.

(c) At a minimum, the required information will be provided:

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1. Date and time frame of the operation.
2. Location.
3. Type of operation.
4. Supervisor or case agent name and contact information.

Notification from RISS regarding potential conflicts shall be documented by the case agent and/or supervisor. When a case agent or supervisor receives notification of a potential conflict, he or she shall make reasonable efforts to mitigate the conflict by communicating with the other party identified by RISS prior to proceeding with the operation or investigation.

At least one hour prior to conducting an operation, the lead investigator, supervisor, or unit member will notify the Watch Commander for West Valley City and/or the outside agency's Watch Commander to make them aware of the address and the time the operation will take place.

608.4 UNDERCOVER GUIDELINES

(a) No one is permitted to be involved in an undercover transaction alone without backing personnel. The use of backing personnel is mandatory in all cases, investigations, and operations that require the use of undercover purchases involving Department personnel or those who have been authorized by the Department to make purchases or conduct covert operations. The level and required number of backing personnel will be determined by the immediate supervisor. When planning for or anticipating back up coverage, all personnel are directed to bear in mind that the safety and wellbeing of the involved undercover personnel is a priority and will take precedence over all other issues, i.e., overtime concerns, etc.

(b) When performing surveillance, the case investigator and/or unit supervisor shall determine how many investigators will be needed to ensure ample vehicle and foot surveillance can be maintained.

(c) No undercover or covert operations will be made without prior planning. Planning will include considerations for familiarizing officers with operational objectives and details.

(d) There will be no deviation from an established operational plan without notice, and/or approval by a supervisor or the case agent, and all participants being fully advised.

(e) The unit supervisor will be informed of the progress of all investigations, including any problems that arise during an investigation.

(f) A supervisor will be notified of all undercover activities, and be present during all undercover operations.

(g) Undercover officers will carry a Department-approved firearm unless given prior authorization by their supervisor not to carry the Department-approved firearm during an undercover or covert operation.

(h) All undercover or covert operations will be documented in police reports submitted to the Department's records management system.

(i) Backing personnel will be equipped with Department radios that will be used as the primary means of communication during undercover or covert operations.

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(j) Before an undercover or covert operation, the undercover officer(s) will establish, with the surveillance team, routine and emergency verbal and visible communication signals.

(k) The undercover officer(s) will, whenever possible, use a concealed voice transmitter so the surveillance team can maintain communications to ensure added safety. Operational planning will account for contingencies in the event the voice transmitter malfunctions, or otherwise becomes inoperable, so that communication is maintained between the surveillance team and undercover officer(s).

(l) The case investigator or undercover officer will determine when an arrest will be made after ensuring all probable cause for the arrest has been met.

(m) The search and seizure of evidence and/or contraband will be conducted in accordance with the policy regarding Search and Seizure.

(n) If search and/or arrest warrants are obtained, the supervisor will designate a person to coordinate the service of the warrants. The coordinator will develop strategies and tactics for approaching, entering, securing, and leaving the targeted area. The service of search and/or arrest warrants will be audio/video recorded pursuant to the Department policy regarding Body Worn Cameras.

(o) In the event an undercover or covert operation is planned outside the jurisdiction of West Valley City, prior notification and/or coordination is required with the appropriate law enforcement jurisdiction.

608.5 CONTROLLED PURCHASES BY INFORMANTS

(a) Purchases of controlled substances and/or property by informants must be supervised by investigative staff, who will insure the integrity of the operation. A Department-approved operational order shall be completed and reviewed by the supervisor responsible for the operation prior to the purchase. The supervisor shall ensure that enough backing personnel are assigned in the event that it is necessary to “rescue” the informant if needed. The operational order will give all personnel a clear understanding of their assignment, increasing the safety of the informant.

(b) A search shall be made of all informants and their vehicles prior to any purchases. This search will be completed even if detectives are to accompany the informant. In addition, a search will be conducted after all transactions to insure that all contraband has been seized and no money was retained by the informant. This is also outlined in the Department policy regarding Evidence and Information Funds.

(c) All transactions of controlled substances and/or property will be corroborated by surveillance by the investigative staff. When it is feasible, audio surveillance should also be used as a safety measure.

(d) All money used to purchase controlled substances and/or property will be recorded by serial number prior to the purchase and monies should not be “fronted” (given to the dealer without the purchased items present) unless approved by a supervisor.

(e) Payment of any informant will fall under the guidelines listed in the policy regarding Accounting and Fund Disbursement.

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608.6 UNDERCOVER PURCHASES BY SWORN PERSONNEL

(a) Undercover buys of either controlled substances and/or property shall be approved by a supervisor prior to the transaction. An Operational Order shall be completed and reviewed by the supervisor prior to the purchase. A briefing should be given to all participating investigative staff. The briefing will give all personnel a clear understanding of their assignment, increasing the safety of the undercover personnel.

(b) The operational plan shall include enough personnel to safely rescue the undercover personnel in the event they are placed in danger. Consideration should be made in planning to be readily identifiable as police officers in the event a rescue is needed. A verbal and visual (if applicable) trouble signal should be established and understood by all investigative personnel involved in the operation prior to the undercover transaction. The entire operation shall be closely monitored with a remote surveillance wire. Should the wire become inoperable, a phone call with a pre-planned code word should be used to notify the undercover personnel that there is a problem. An open line on the cell phone can be used as a backup system to monitor the transaction.

(c) All money used to purchase controlled substances and/or property will be recorded by serial number prior to the purchase and monies should not be "fronted" unless approved by a supervisor. If at all possible the undercover personnel should not participate in any arrests.

608.7 REVERSE STINGS

(a) A reverse sting is a traditional technique in which the undercover agent poses as a drug seller rather than a drug buyer. Reverse stings are a valuable tool in investigating narcotic-related crimes. There are inherent dangers that go along with this type of investigation; therefore, all reverse stings shall be conducted with the approval of the unit supervisor and the section lieutenant or deputy chief. An operational order will be completed and approved by the supervisor responsible for the operation and a briefing will be held prior to any reverse sting operation.

(b) All narcotics used in a reverse sting operation shall be acquired from Evidence and shall be returned directly at the conclusion of the operation.

(c) If at all possible, the undercover personnel should not participate in the arrest.

608.8 SEARCH WARRANTS

(a) All covert operation personnel will comply with the search warrant guidelines identified in the Department policy regarding Search and Seizure.

(b) The case detective shall be responsible for coordinating the search and the disposition of all seized items. The responsible supervisor shall ensure that nothing is taken from the scene of the search unless it is included in the warrant and documented on the Inventory Receipt that shall be left at the place that has been searched or given directly to the person that was in possession of the place or property that has been searched. The case detective is responsible for the chain of custody of all seized evidence until it is properly booked into the Evidence room. The case detective can assign an evidence custodian and finder who will handle the evidence, but is still responsible to see that it is documented and booked correctly.

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(c) The service of search warrants will be audio/video recorded pursuant to West Valley City Police Department policy regarding Body Worn Cameras.

608.9 UNDERCOVER IDENTIFICATION

(a) When an officer works undercover in a drug, vice, decoy, or organized crime investigation, the officer may be issued false identity, and other necessary credentials, with the approval of the section lieutenant and deputy chief.

(b) In those circumstances where a fictitious identification is needed in order to further an investigation, the supervisor of the detective needing the identification will contact The Bureau of Criminal Identification (BCI) and coordinate with them in order to obtain the identification. Fictitious identifications shall not be used for anything other than approved operations.

608.10 EQUIPMENT FOR SURVEILLANCE AND UNDERCOVER ACTIVITIES

The Department will provide the equipment necessary to conduct surveillance and undercover activities.

(a) Such equipment requires special care and control. Consequently all special equipment utilized for surveillance and undercover operations will be stored securely or in a manner that prevents unauthorized use until deployed, and will be controlled through an equipment sign out sheet. Special equipment may be signed out for a long period, as dictated by the mission of the operation, but must be returned and signed back in when not in use.

1. Equipment includes, but is not limited to:

    i. Electronic listening/recording equipment.

    ii. Surveillance vehicles.

    iii. Video cameras, recorders and players.

    iv. Vehicle location equipment.

    v. Specialized communication equipment.

    vi. Unmarked vehicles (cold cars).

(b) Only employees with technical understanding of such equipment should deploy the equipment. For specialized equipment, training is available upon request and required before deployment.

1. Any deployment of equipment that requires installation by the Surveillance Equipment Technician will require authorization from the Special Operations Section supervisor.

2. If applicable to the installation, the Surveillance Equipment Technician will be trained and certified according to Occupational Safety and Health Administration (OSHA) requirements.

3. All equipment required in such operations will be utilized in accordance with Department policy, Federal and State law, as well as the manufacturer's recommended guidelines.

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4. The equipment and sign out sheet will be inspected quarterly by the Street Crimes Unit (SCU) supervisor. The SCU supervisor shall ensure all equipment is accounted for and functional, as well as verify the proper use of the sign out sheets. A written report detailing the results of the quarterly inspections will be submitted to the Special Operations lieutenant, and forwarded to the Special Operations Bureau Chief.
5. Other than binoculars, personnel shall not use any surveillance or undercover equipment unless authorized and approved by a supervisor. An exception would be if circumstances were such that a time element does not allow for prior approval. In those instances, a supervisor will be notified as soon as is reasonably feasible.

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Confidential Informants

609.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. Officers are encouraged to develop independent sources of criminal intelligence through the use of informants.

To protect the integrity of the West Valley City Police Department and the officers utilizing informants, and to reduce liability, it shall be the policy of the Department to take appropriate precautions by developing sound practices in managing informants. The procedures outlined in this policy shall be closely adhered to. Officers shall not disclose any information regarding confidential informants or activities involving confidential informants.

609.2 INFORMANT FILE SYSTEM

The Special Operations Section Lieutenant shall be solely responsible for the security and maintenance of the master Informant File System for the Department. As such, the Special Operations Section lieutenant will be responsible for all Department informant files regardless of which bureau or section utilizes informants. The master informant file will be stored in the Police Department in a locked storage device to which only the Special Operations Section lieutenant has access. The Special Operations lieutenant will ensure the master informant file remains secure at all times; that removal of individual informant files from the informant master file is for official purposes only; that removed files are returned promptly once the official purpose has been accomplished; and, that no informant files are removed from the confines of the Police Department. For the purposes of this policy, Police Department refers to Police Department headquarters and any official Department facility other than Department headquarters.

A separate file shall be maintained for each informant. Each file will be clearly marked with an assigned, sequential informant number. Only the assigned informant number will be used to identify the informant in police reports, affidavits for search warrants, or any other documentation where there is a need to protect the identity of the informant. Information in these files is confidential and will not be released without prior approval of the case agent, section sergeant, and section lieutenant of the section utilizing the informant; and, in concurrence with the Special Operations Section lieutenant.. Each time an informant is utilized, a brief summary will be placed in the informant's file documenting the actions of the informant. This will allow the informant to build a history and show reliability/unreliability. Information on payments to informants is to be recorded in the informant's file along with a copy of the signed payment receipt. A ledger listing the names and file numbers of all informants will be secured in the secured informant master file. All informant files will be made available to the command staff, the case agent and/or others as required by law.

The Special Operations Section lieutenant will be responsible to de-conflict anytime a new informant is being considered for use. The de-confliction date, time and the name of the sergeant

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spoken to will be documented by the Special Operations lieutenant in the respective informant's file. The de-confliction will be completed to ensure the following:

(a) The informant is not currently being used by another section.

(b) If the informant is currently being utilized by another section, the Special Operations Section lieutenant will confirm concurrent use with the appropriate supervisor of the section to which the informant is currently being utilized and the appropriate supervisor of the section requesting consideration for use.

(c) If the informant has been used in the past by another section, whether the informant was deemed reliable or unreliable.

609.2.1 FILE SYSTEM PROCEDURE

The Special Operations Section lieutenant will maintain individual files on each informant. Only the case agent, section supervisor, lieutenant, command staff, and Chief of Police will have access to these files. The informant file will contain the following information:

(a) Number assigned to the informant.

(b) An Informant Personal History Form.

(c) Criminal history.

(d) A copy of the Confidential Informant Regulations Form initialed and signed by the informant and witnessed by two detectives.

(e) A copy of the informant's driver's license.

(f) Photographs of the informant (side and front views).

(g) Copies of NCIC, NLETS, and warrant inquiries on the informant.

(h) Records of any meetings with the informant, to include date, time, who attended, and the result of the meeting. It shall be the responsibility of the case agent to keep the informant file up to date at all times.

(i) Informants with illegal immigration status will need to be cleared with INS prior to use.

(j) An Intra-Departmental Correspondence from the requesting officer's supervisor approving the requested use of the informant.

609.3 SOURCE OF INFORMATION DEFINED

In all reports generated by officers, a source of information shall be identified as a S.O.I. Different S.O.I.'s can be categorized more specifically as follows:

Confidential Reliable Informant (CRI) - An informant is a person acting as an agent for the Police Department whose reliability and credibility has previously been established. This usually consists of, but is not limited to, at least one prior occasion where information provided by the informant proved to be factual and resulted in a valid arrest or continued investigation. This does not include concerned citizens.

Confidential Informant (CI) - An informant who is untested and is possibly providing information to law enforcement for the first time.

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Defendant Informant (DI) - An informant who is working to reduce pending criminal charges. Defendant Informants are generally not paid. In extreme circumstances, the Defendant Informant may receive funds with the pre-approval of the section lieutenant.

Paid Informant - An informant who is usually a CRI and has no pending charges. Payment to an informant will be pre-determined by a section supervisor.

Concerned Citizen - A citizen who provides information to law enforcement based on motivation to improve the community, under circumstances that do not cast doubt on truthfulness. Such information is automatically considered reliable and generally no additional information concerning their good faith or honesty is required.

Anonymous Informant - An individual who refuses to identify themselves to law enforcement and whose identity is unknown. An anonymous informant is not considered a citizen informant and is considered inherently unreliable since their identity, background, and motivation cannot be reasonably determined.

Juvenile Informant - An individual under 18 years of age. Juvenile informants are only to be utilized in extreme circumstances. Prior approval is required from the Juvenile Court, the Chief of Police, and the parent(s)/guardian(s) of the juvenile.

609.3.1 JUVENILE INFORMANTS

It shall be the policy of the West Valley City Police Department that persons under the age of 18 years of age shall not be utilized as informants for narcotics or violent crime investigations, except in extreme circumstances. Any use of a juvenile informant will require approval from the Chief of Police. Approval must be obtained from the juvenile court or the juvenile's parent/guardian, whichever is applicable. The same confidential informant standards and procedures will apply to juvenile informants.

609.4 USE OF INFORMANTS

(a) Officers must realize there are inherent dangers involved with the use of informants. An informant's motivation for providing information must be carefully scrutinized by the handling officer and respective supervisors. Physical danger may also exist when handling informants, especially when dealing with narcotics, gangs and violent crimes. Because of the pitfalls and liability associated with handling informants, no officer shall manage an informant without first attending approved training in Informant Management.

(b) Coercion shall never be used in recruiting informants. Any direct promise of freedom from arrest, prosecution or reductions of charges is strictly prohibited. Any considerations for charges must be referred to the prosecutor's office for review and to the agency responsible for the charges pending against the informant. The date, name of the prosecutor and the officer from the outside agency giving permission will be noted in the informant's file. Informants will never be paid by the Police Department to testify in court.

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(c) If an officer learns that a potential informant has personal knowledge of a crime with the potential to harm others, an appropriate supervisor shall be notified immediately. If the informant discloses information which adversely reflects upon the integrity or conduct of a law enforcement officer or agency, the Office of the Chief will be notified.

(d) If the informant is found unreliable at any time, the case agent is responsible for immediately notifying the section sergeant and documenting this information in the informant's file. The file of the informant who is found unreliable will be separated from the "active" informant files and flagged as "unreliable". In the event that another officer wishes to use the same person in the future as an informant, approval must be obtained from the section lieutenant, along with documentation as to why the informant is being reactivated.

(e) Prior to using an individual as a confidential informant, the officer must receive approval from the appropriate section supervisor. The officer shall compile sufficient background information about the person in order to determine the reliability and credibility of the individual. A complete debrief of the informant shall be conducted by the handling officer. Details of the informant debrief will be placed into the informant's file. Other criminal activity will be documented and submitted to the Information & Intelligence Unit.

(f) No officer shall use the services of an informant who wants to work for consideration of charges without the permission of the prosecuting attorney's office.

(g) The use of persons who are on formal parole and or probation, as informants, should be avoided. Approval for the use of individuals, as informants, who are on formal probation or parole will be authorized in writing by Adult Probation and Parole or the monitoring agency, as well as by the section lieutenant. A copy of the written permission from Adult Probation and Parole or the monitoring agency will be placed in the informant's file.

(h) All confidential informants are required to sign and abide by the provisions of the Confidential Informant Regulations. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant. Prior to use of the informant, the appropriate section supervisor will review the provisions. A copy of the Confidential Informant Regulations will be placed into the informant's file.

(i) Details of the agreement will be be approved in writing by the unit supervisor before being finalized with the confidential informant.

609.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

The relationship between officers and informants shall be entirely ethical and professional at all times. Fraternization with an informant in any way other than in an official capacity is strictly prohibited. An officer will **never** meet with an informant alone. Only during actual undercover operations should an officer be alone with an informant. The undercover operation will be closely monitored visually and through audio by other team members. Any meeting with an informant will be noted in the informant's file and will include a case number, details of the meeting, and the names of the officers who were present. Officers shall not accept gifts or gratuities from an informant at any time.

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To maintain officer/informant integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of an informant from their supervisors.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers or employees of the West Valley City Police Department, and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the section supervisor.

(g) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(h) In all instances when Department funds are paid to informants, a Confidential Informant Payment Form shall be completed in advance, itemizing the expenses.

(i) Informants will not act independently of the handling officer.

(j) Officers should take additional precautions when dealing with informants of the opposite sex and/or with informants whose sexual preferences may make an investigation more susceptible to compromise through alleged improprieties.

609.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain an accurate accounting of such funds requires a strict procedure for disbursements. All informants will be paid in accordance with the procedures outlined below regarding accounting and fund disbursement.

609.6 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of an officer, or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgment of receipt of the letter. The completed acknowledgment form and a copy of the letter shall be retained in the informant's file.

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609.7 ACCOUNTING AND FUND DISBURSEMENT

This policy provides the procedures that will be followed when accounting for or disbursing Department funds for the purpose of purchasing evidence or information, and the payment of informants for services rendered in furthering an investigation.

609.7.1 EVIDENCE AND INFORMATION FUNDS

(a) Funds will be established by the appropriate units or sections to be used for the purchase of evidence or information, and the payment of informants for services rendered. The section lieutenant will be responsible for managing and auditing all funds.

1. The funds will be disbursed to the unit sergeant or section lieutenant and an audit of those funds will be completed monthly by the section lieutenant.
2. These audits will be sent through the chain of command to the Deputy Chief of the Special Operations Bureau on a quarterly basis.

(b) At the discretion of the section lieutenant, the officers assigned to that section may be issued a predetermined amount of money for the purchase of information and/or physical evidence.

1. All payments must be pre-approved by the unit sergeant or section lieutenant prior to the disbursement of the funds.
2. Any and all expenditures over $500.00 but less than $1,000.00 for the purchase of information, and any and all expenditures over $1,500.00 but less than $2,000.00 utilized for the purchase of physical evidence will require pre-approval from the Bureau Chief.
3. Expenditures that exceed $1,000 for the purchase of information, or $2,000 for the purchase of evidence must be pre-approved by the Chief of Police.
4. A monthly audit of each officer's expenditures will be completed. All expenditures must be documented with a signed receipt, expense form, or CI payment form.

(c) Officers requesting funds must complete the "Special Fund Request for Cash" form. After the transactions, the "Special Evidence Expense Form" will be completed with receipts attached. If payments are made to informants, the "Confidential Informant Payment" form will be completed and signed by the officer, informant, and a witness. Copies of all forms will be maintained in the informant file system.

(d) All funds received and disbursed will be recorded in a fund ledger maintained by the supervisor with control over those funds. The ledger will identify the initial fund balance. All credits (cash income received) and debits (cash disbursed) will be documented in a ledger with the date, the officer receiving funds, the transaction amount, and the new balance.

(e) Each officer who has been issued funds will not mix Department-issued funds with their personal money. The officer must be able to produce the funds at any time upon request of a unit or section supervisor or any command staff. Each officer who obtains funds will keep a separate record of transactions, indicating amounts received, dates,

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to whom funds were disbursed, and the remaining balance. This record is also subject to inspection at any time by a unit or section supervisor or command staff.

(f) As a general rule, no money will be given to an informant who has pending criminal charges. No payment will ever be made to an informant until the reliability of the informant is verified. No payments will be made unless the proper informant file has been completed and maintained by the appropriate section supervisor. The officer's sergeant will be kept informed in all cases involving the use of an informant. If an officer expends Department-issued funds in a manner unauthorized by this policy, the officer will be subject to discipline.

(g) Whenever an informant is used on a controlled buy for any reason, the informant will be searched twice.

1. Prior to the initial search, the informant will review and sign a "Consent to Search" form, consenting to the searches prior to and following the controlled buy.
2. A first thorough search of the informant will be conducted by a designated officer and witnessed by another officer. This search will be to verify that the informant has no money, drugs, illegal items, or weapons of any kind in their possession.
    i. After the search, the officer will give any designated funds to the informant.
    ii. Prior to any disbursement, all money shall be copied, identified, recorded, and marked for identification by the case agent or designee.
3. The second search of the informant will be conducted as soon as possible after the transaction is completed. The purpose of the search is to retrieve all purchased evidence and remaining funds, and to further ensure that no other narcotics, money, illegal items, or weapons are found on the person.

609.7.2 PAYMENT PROCEDURE

The amount of funds to be paid to confidential informants will be determined by the appropriate section supervisor(s). The following criteria will be used to evaluate the amount of funds paid to an informant:

- The extent of the informant's personal involvement in the case.
- The significance, value, or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

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609.7.3 SPECIAL USE OF AUTHORIZED FUNDS

Funds may be used to purchase alcohol for evidence in liquor violation cases, or to rent or lease vehicles for use as undercover vehicles for a short time. Expenditures of this type must receive prior authorization from the section lieutenant.

Occasionally a situation may arise that requires an officer to follow a suspect out of the county. The officer may find it necessary to use funds for gas, food, or other travel expenses. Officers must receive prior approval from the appropriate supervisor for these types of expenses. The officer will attach receipts for all expenditures in this category.

During the course of investigations, it may be necessary to spend money for various things related to criminal activity, but which cannot be classified as physical evidence. These may include, but are not limited to, funds for hotels/motels, apartments, storefronts, and funds for undercover detectives. Receipts should be obtained whenever such documentation will not expose the undercover operative. When documentation of such expenses would risk exposing an undercover operative, approval of the section lieutenant is required prior to any expenditures.

With prior approval, undercover officers may expend funds to purchase alcoholic beverages to allow them to blend in at bars, taverns or clubs. Officers are never authorized to become intoxicated in such situations.

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Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

Double blind presentation – Neither the law enforcement official administering the identification procedure, nor the witness knows the suspect's identity.

Blinded presentation (The folder system) - The administrator may know who the suspect is but does not know which photograph is being viewed by the eyewitness.

610.2 POLICY

The West Valley City Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

If practical, the dialogue between the officer, interpreter, and witnesses should be recorded.

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610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Section supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures. The witness’s level of confidence at the time of an initial identification shall be captured and documented verbatim.

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In general, the following should be considered and documented:

- Whether the witness had an adequate opportunity to observe the suspect committing the crime;
- Whether the witness's level of attention to the suspect committing the crime was impaired because of a weapon or any other distraction;
- Whether the witness had the capacity to observe the suspect committing the crime, including the physical and mental acuity to make the observation;
- Whether the witness was aware a crime was taking place and whether that awareness affected the witness's ability to perceive, remember, and relate it correctly;
- Whether a difference in race or ethnicity between the witness and suspect affected the identification;
- The length of time that passed between the witness's original observation and the time the witness identified the suspect;
- Any instance in which the witness either identified or failed to identify the suspect and whether this remained consistent thereafter; and
- Whether the witness was exposed to opinions, photographs, or any other information or influence that may have affected the independence of the witness in making the identification.

610.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case and a double-blind presentation should be used.

When this is not possible, the member presenting the photographic lineup must take the utmost care not to communicate the identity of the suspect in any way. This can be accomplished using a blinded presentation where the presenter shuffles folders containing the photographs, so the presenter does not know which photograph the witness is viewing.

- Live lineups should only be conducted with double-blind procedures.
- Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.
- The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.
- The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.
- A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings

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have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

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Eyewitness Identification

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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Brady Material Disclosure

611.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

611.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the West Valley City Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant, including potential impeachment information relating to the conduct of an officer who was involved in the arrest or investigation of the defendant (Utah Code 53-25-1001).

611.2 POLICY

The West Valley City Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the West Valley City Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

611.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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611.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this Department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and Department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or Department counsel should be requested to file a motion in order to initiate an in-camera review by the court (Utah Code 63G-2-202(7)).

1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

611.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility or dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (Utah Code 53-25-1003).

611.6 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

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611.6.1 DISCLOSURE TO PROSECUTING AGENCY

As soon as practicable after receiving a subpoena to testify in court by a prosecuting agency, an officer who has been placed onto a *Brady* identification system of a different prosecuting agency shall disclose that placement to the prosecuting agency that issued the subpoena (Utah Code 53-25-1003).

611.7 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Pawn Shop Holds

612.1 PURPOSE AND SCOPE

Property with evidentiary value is often found at pawn shops and secondhand businesses. Utah law allows the West Valley City Police Department to seize or place a hold on such property. This policy provides guidance on placing such holds.

612.2 POLICY

The West Valley City Police Department will place a hold on an item that has evidentiary value and is in the possession of a pawn or secondhand business only as allowed by Utah law and when the item is necessary to an open investigation.

612.3 PROCEDURE

(a) A member of the Department may require a pawnbroker or secondhand business to place a 90-day hold on an item in the possession of the pawnbroker or secondhand business if the item is necessary to an open investigation. The hold may be extended for an additional 90 days if warranted. Subsequent extensions must be approved by a court order (Utah Code 13-32a-109).

(b) An officer may seize the held item when exigent circumstances exist or when necessary during the course of a criminal investigation. Items may also be seized (Utah Code 13-32a-109.5; Utah Code 13-32a-115(2)):

1. When seizure is necessary to permit the fingerprinting or chemical testing of the item.
2. If the item contains unique or sensitive personal identifying information.
3. For use as an exhibit at trial, as authorized by the prosecutor.

(c) A written hold or seizure notice shall be provided and shall include (Utah Code 13-32a-109.5):

1. An active case number.
2. The date of the hold or seizure request and the property to be held or seized.
3. Notice to the pawnbroker or secondhand business of contact information to allow tracking of the property when the prosecuting agency takes over the case.
4. If the property is seized, the reason the property is necessary during the course of a criminal investigation.

(d) If the pawnbroker or secondhand business is located outside of the jurisdiction of this Department, a copy of the hold notice shall be sent to the local law enforcement agency having jurisdiction (Utah Code 13-32a-109).

(e) An extension of the hold must be communicated in writing to the pawnbroker or secondhand business prior to the expiration of the initial 90-day hold (Utah Code 13-32a-109).

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(f) Whenever the officer has reason to believe that property subject to a hold is in the possession of a pawnbroker or secondhand business, the officer should notify the person who reported the property as lost or stolen, as well as any agency taking a report, of all of the following:

1. The name, address, and telephone number of the pawnbroker or secondhand business that reported the acquisition of the property or where the property is located.
2. The length of any holding period.

612.4 TERMINATION OF HOLD

(a) The evidence supervisor should maintain a file copy of all hold notices and should review the file at least every 30 days for pending expirations. When the need for the hold or seizure of an item is terminated and no original victim was located, the Department shall, within 15 business days after the termination (Utah Code 13-32a-109(7)):

1. Notify the pawnbroker or secondhand business in writing that the hold or seizure has been terminated.
2. Return the item to the pawnbroker or secondhand business, or advise the pawnbroker or secondhand business, either in writing or electronically, of the specific alternative disposition of the item.

(b) If an original victim was located, the release of the property shall only be made with the consent of the appropriate prosecutor and with notices made according to Utah Code 13-32a-109(8).

(c) If this Department receives a registered or certified letter from the pawnbroker or secondhand business informing the Department that the holding period has expired, the Department shall respond within 30 days in the manner prescribed by law (Utah Code 13-32a-109(9)).

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Cold Cases

613.1 PURPOSE AND SCOPE

To establish guidelines regarding the handling and investigation of cold case files.

613.2 DEFINITION

Cold Case - Any case involving a criminal homicide or suspected homicide in which the manner of death is undetermined but is suspected to be a criminal homicide. Or a death in which the victim is missing and suspected to have been murdered. The case is “unsolved,” meaning that no criminal charges have been filed for the murder. A case may not qualify as “unsolved” even though no one has been charged for the homicide for a number of reasons to include;

(a) There is evidence establishing the guilt of the suspect beyond a reasonable doubt (such as a confession, eyewitness identification, DNA, or other forensic evidence) but the suspect could not be brought to trial because he or she died.

(b) There was compelling evidence of guilt but the original suspect was tried and acquitted or could not be prosecuted for technical reasons. For example, a suspect may have been acquitted, or not prosecuted, because the killing was self-defense, or otherwise justified, or a confession or other conclusive evidence of guilt was excluded from the trial.

The original investigation did not result in an arrest, and the case remained inactive for more than one year due to a lack of viable or unexplored leads. If the case was dormant for one consecutive year during any period, without any active investigation, the case will be considered a cold case. However, cold cases do not include all cases that have been dormant for more than 1 year. For example, the suspect may be incarcerated on other charges and for strategic reasons the police or prosecutors decided not to lodge criminal charges while the suspect was incarcerated.

613.3 EVALUATION CRITERIA FOR RE-INVESTIGATING A COLD CASE

(a) Legal considerations such as the application of statutes of limitation;

(b) Technological considerations such as the nature and condition of the evidence, and the advancement of new technology techniques in solving a crime;

(c) Practical considerations such as time, money and personnel available for investigation and forensic analysis;

(d) Emergence of new information pertaining to the case.

613.4 CASE REVIEW PROCEDURE

Any case deemed as “cold” will be reviewed at least one time annually. This review will be to refresh the assigned investigator’s knowledge of the case as well as to assist in making a determination as to whether any new criteria exist that should be explored.

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613.5 RECORDING INVESTIGATIVE ACTIONS OR ACTIVITIES

Personnel will document all investigative actions taken in written reports and case management in the Department's Records Management System (RMS).

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Investigative Genetic Genealogy

614.1 PURPOSE AND SCOPE

This policy provides guidance for the use of investigative genetic genealogy (IGG) to generate investigative leads.

614.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphisms (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for IGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Investigative genetic genealogy (IGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-IGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in IGG.

614.2 POLICY

The West Valley City Police Department's use of investigative genetic genealogy (IGG) will be in coordination with prosecutors, the Medical Examiner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued.

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Members of the Department will take reasonable steps to maintain the integrity of the IGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

614.3 CRITERIA FOR IGG USE

Before using IGG, the lead investigator on a case should coordinate with the supervisor to determine whether the case meets the following requirements (Utah Code 53-10-403.7):

(a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) of a qualifying case is available for additional testing and is reasonably believed to be attributable to:

1. The perpetrator of an unsolved violent felony.
2. Unidentified human remains.
3. A missing or unknown individual.

(b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).

(c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

614.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of IGG, the lead investigator should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Medical Examiner.

614.4.1 CONSULTATION WITH PROSECUTOR AND BUREAU OF FORENSIC SERVICE

The lead investigator shall consult with the prosecuting attorney and the Utah Bureau of Forensic Services to determine whether IGG is appropriate and necessary before proceeding with IGG. The Department and the prosecuting agency shall agree to investigate relevant leads resulting from IGG (Utah Code 53-10-403.7).

614.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigator should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

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When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit IGG for the type of case being investigated (Utah Code 53-10-403.7). The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the IGG process the case no longer meets the criteria for IGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or genetic genealogist to cease any further analysis and return all evidence, data, and materials to the Department.

614.5.1 ADDITIONAL REQUIREMENTS FOR SUBMISSION

The lead investigator shall take steps to restrict IGG to genetic genealogy sites that provide appropriate notice to their users of possible law enforcement use, allow users to opt-out of having their data accessible to law enforcement, and have policies to prevent third-party access to the data concerning a victim, crime scene, or suspect (Utah Code 53-10-403.7).

614.6 ANALYSIS OF IGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the IGG process using traditional investigative methods, as appropriate, to:

(a) Eliminate an individual as a potential suspect in the case.

(b) Link an individual to the case as a potential suspect.

(c) Identify human remains.

614.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for IGG, consent from the third party should be obtained prior to collection (Utah Code 53-10-403.7).

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different (Utah Code 53-10-403.7).

The use of a third-party DNA sample shall be limited to the original underlying investigation.

614.8 POST-IDENTIFICATION

Department members shall not rely solely on IGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence

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independent of the IGG data to support an arrest, a potential suspect identified through IGG should not be arrested until the suspect's identity is confirmed (Utah Code 53-10-403.7).

Members shall not rely solely on IGG to identify human remains unless there is sufficient evidence independent of the IGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

(a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.

(b) If applicable, consult with the Medical Examiner for an amendment to a certificate of death.

614.9 PRIVACY CONSIDERATIONS

Department members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the IGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants, and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for Department records (Utah Code 53-10-403.7). The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the IGG process be returned to the Department.

614.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained for the minimum period established by law and destroyed once permitted by Utah law (Utah Code 53-10-403.7). The lead investigator should coordinate with the Evidence Supervisor/Technicians and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the IGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

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Facial Recognition Technology Use

615.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by the Department to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

615.1.1 DEFINITIONS

Definitions related to this policy include:

Biometric surveillance information - Information obtained through the digital monitoring of an area that is analyzed using FRT to determine an individual's identity or location based on their physical attributes or manner. (Utah Code 77-23d-102).

Facial recognition technology (FRT) - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

Government image database – A database maintained by the Department or another government entity of images captured during interactions with the Department or government entity. This does not include publicly available information (Utah Code 77-23e-102).

Probe image - A search image submitted to FRT for comparison with images contained within an image database.

615.2 POLICY

It is the policy of the West Valley City Police Department to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

615.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Department.

615.4 FRT COORDINATOR

The Chief of Police or the authorized designee shall appoint an FRT coordinator. The responsibilities of the FRT coordinator include:

(a) Establishing procedures for Department FRT use that conform to applicable laws, regulations, and best practices. Procedures should include:

1. A process for submitting and assessing officer requests to use FRT.
2. Requirements related to processing and reviewing results generated from the use of FRT.

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3. Requirements for complying with Utah Code 77-23e-105 prior to implementing new FRT systems (i.e., posting proper notice, accepting and reviewing public comments, posting final decisions).

(b) Establishing procedures for collecting, processing, and storing FRT data.

1. Procedures should include the management of biometric surveillance information (Utah Code 77-23d-106).

(c) Establishing procedures for access and security controls for Department FRT systems, services, and data.

1. Access levels should be no higher than necessary to accomplish organizational tasks, missions, or functions.

(d) Establishing procedures for submitting images to Department image databases. The procedures should include:

1. When and under what circumstances members are required to submit images.

2. Restrictions related to the use of images voluntarily provided to the Department by members of the public.

(e) Administering data quality assurance measures (e.g., probe image suitability, quality, integrity).

(f) Conducting periodic audits of Department FRT use.

1. The audit should include a review of FRT use, documentation of those uses, and confirmation of data purging, where appropriate.

2. The audit should include a review of the use of biometric surveillance information (Utah Code 77-23d-106).

(g) Confirming that authorized users have completed Department-approved FRT and forensic image comparison training prior to using FRT.

(h) Coordinating with the Training Unit sergeant to develop, identify, and update FRT training for officers who utilize the FRT system.

(i) Establishing and implementing a schedule for routine maintenance, upgrades, enhancements, testing, and refreshes of FRT for proper performance purposes.

(j) Establishing procedures for reporting errors, malfunctions, or deficiencies of FRT systems, services, or data.

(k) Coordinating with the information systems technology supervisor, Department counsel, and appropriate administrators to develop information-sharing procedures with outside agencies in accordance with state and federal law.

(l) Evaluating systems to verify that, in accordance with industry standards, FRT used on a government image database managed by the Department is secure, produced by a company that is currently in business, and makes comparisons using an algorithm that compares only facial biometric data (Utah Code 77-23e-103).

(m) Ensuring this policy is posted and publicly available on the Department website or the Utah Public Notice Website, as applicable (Utah Code 77-23d-106).

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615.5 AUTHORIZED USES OF FRT

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

(a) Unknown suspects where attempts at identification through other means have been exhausted or ineffective.

(b) Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material).

(c) Deceased individuals.

(d) Individuals who are incapacitated or do not know their identities.

(e) Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided).

(f) Suspects in unsolved crimes.

(g) Missing or endangered persons.

(h) Unknown individuals pursuant to any other legitimate law enforcement purpose.

615.5.1 AUTHORIZED USES OF FRT ON GOVERNMENT IMAGE DATABASE

FRT shall only be used on a government image database for the following purposes (Utah Code 77-23e-103):

(a) Investigating a felony, a violent crime, or a threat to human life.

(b) Identifying an individual who is:

1. Deceased.
2. Incapacitated.
3. At risk and otherwise unable to provide their identity.

615.6 REQUEST FOR AUTHORIZATION

An officer seeking authorization to conduct or request an FRT search shall submit a request to the appropriate supervisor consistent with Department procedures.

The request should, at a minimum, include the following:

(a) The nature of the investigation.

(b) The reason an officer believes that FRT use is necessary.

(c) An explanation of how FRT may assist with the development of investigative leads.

(d) A case identification number.

615.7 FRT SEARCHES

Following supervisor approval, the officer should proceed as follows:

(a) An officer seeking to have a probe image compared to images contained in a government image database shall submit the probe image and a written FRT request to a member of this Department who is trained and authorized to conduct FRT

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searches or to the government entity that maintains the database, as appropriate (Utah Code 77-23e-103).

(b) An officer seeking to have a probe image compared to images contained in a database maintained by the Department of Public Safety shall submit the probe image and FRT request through the Utah Criminal Justice Information System (Utah Code 77-23e-104).

(c) For all other FRT use, an officer should submit a probe image for comparison consistent with Department procedures.

(d) Officers shall only submit lawfully obtained probe images.

Only members authorized by the Department may conduct FRT searches. Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by a member trained in FRT.

615.7.1 FRT SEARCH OF GOVERNMENT DATABASE

An FRT search on a government image database maintained by the Department shall only be conducted upon receipt of a written request from an officer of this Department or from another law enforcement agency. The request shall include (Utah Code 77-23e-103):

(a) The authorized purpose for which the request is made.

(b) The case identification number.

(c) If applicable, a statement of the specific crime being investigated and a factual narrative to support that there is a fair probability that the individual who is the subject of the request is connected to the crime.

Before providing results to the requesting officer or entity, the results should be verified and reviewed according to Utah Code 77-23e-103. No search results other than a probable match agreed upon by at least two authorized members shall be provided in response to a request for FRT (Utah Code 77-23e-103).

615.7.2 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

615.7.3 FRT SEARCH DOCUMENTATION

The investigating officer shall document all FRT searches in the appropriate Department report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

(a) The requesting officer's name and position.

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(b) Confirmation that the search was pre-approved pursuant to Department procedures.

(c) The purpose of the search.

(d) The search parameters, if any.

(e) The date and time of the search.

(f) A list of any image databases searched.

(g) The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.

1. This includes information received indicating an FRT search produced no results (Utah Code 77-23e-103).

(h) The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

(i) A description of how the facial recognition comparison was used in the investigation (Utah Code 77-23e-103).

615.8 PRIVACY CONSIDERATIONS

The Department shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Officers shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

615.8.1 NOTICE OF POTENTIAL FRT USE

When capturing an image of an individual during an interaction with the Department, the individual shall be notified that their image may be used in conjunction with FRT (Utah Code 77-23e-105).

615.8.2 BIOMETRIC SURVEILLANCE INFORMATION

Biometric surveillance information shall only be obtained as follows (Utah Code 77-23d-106):

(a) In accordance with a search warrant.

(b) On authorized property, as defined by Utah Code 77-23d-102.

(c) In accordance with a judicially recognized exception to warrant requirements.

(d) When there is a documented reasonable articulable suspicion that a specific individual has threatened to commit a violent felony toward a person, group of people, or place, or to commit an offense of threat of violence under Utah Code 76-5-107.

615.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

(a) For the arrest of individuals based solely on FRT results.

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(b) For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.

(c) For any non-law enforcement purpose.

(d) As the sole basis for identification to establish probable cause in a criminal investigation.

(e) To harass or intimidate any individual or group.

(f) In any other manner that would violate applicable law, regulation, or policy.

(g) On a government image database to investigate civil immigration violations (Utah Code 77-23e-103).

No officer shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

615.10 RELEASE OF FRT DATA

Data related to FRT use on a government image database is not subject to the Government Records Access and Management Act and shall not be disclosed except as required by law or court order (Utah Code 77-23e-106).

All other FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

615.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

615.12 DOCUMENTATION

Members conducting FRT searches on a government image database maintained by the Department should document FRT data in a way that facilitates statistical reporting required by Utah Code 77-23e-106 (see the Records Section Policy).

615.13 TRAINING

(a) Officers whose duties may require the use of FRT should receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following (Utah Code 77-23e-102):

1. Capabilities and limitations of FRT.
2. FRT system functions and interpretation of results.
3. Data security and privacy concerns.
4. Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests).

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5. Digital media handling and protections.
6. Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching).
7. Principles of comparison.
8. Cognitive bias, confirmation bias, implicit bias, and automation bias.
9. Applicable policy, procedure, and federal and state law requirements.

(b) An officer who uses mobile facial recognition shall receive additional training appropriate to that application of the technology.

(c) The FRT coordinator shall maintain a record of each authorized officer's training and acknowledgement of this policy.

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School Resource Officers

616.1 PURPOSE AND SCOPE

This policy describes the West Valley City Police Department School Resource Officer (SRO) program (Utah Code 53-10-117).

616.2 POLICY

The West Valley City Police Department is committed to enhancing the safety of students and faculty at Granger High School by forming a partnership with school administrators, faculty members, and students.

616.3 SCHOOL RESOURCE OFFICER PROGRAM

The Chief of Police will appoint two (2) SROs to serve Granger High School upon interlocal agreement with the Granite School District, the Local Education Agency (LEA). The agreement shall include all provisions required by Utah Code 53G-8-703.

616.3.1 INTERLOCAL COOPERATION AGREEMENT

See attachment: Granite School Dist SRO Interlocal Agr 2025.pdf

616.4 SCHOOL RESOURCE OFFICER DUTIES

The general duties and responsibilities of SROs include (Utah Code 53G-8-703):

(a) Providing for and maintaining a safe, healthy, and productive learning environment in a school.

(b) Acting as a positive role model to students.

(c) Working to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA.

(d) Emphasizing the use of restorative approaches to address negative behavior.

(e) Teaching a vocational law enforcement class at the request of the LEA.

616.4.1 CHAIN OF COMMAND AND INTERNAL REPORTING

SROs should follow the chain of command and internal reporting requirements established by the Department and the contract between the West Valley City Police Department and the LEA (Utah Code 53G-8-703).

616.4.2 DEPARTMENT POLICY AND PROCEDURES

All policies and procedures of the West Valley City Police Department, including the Use of Force, Handcuffing and Restraints, and Search and Seizure policies, are applicable to members serving as an SRO.

616.5 SCHOOL RESOURCE OFFICER QUALIFICATIONS

Members appointed as SROs should be selected using criteria that includes but is not limited to:

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(a) The ability of the appointee to foster an optimal learning environment and educational community.

(b) Whether the candidate has specialized training in:

1. Child and adolescent development.
2. De-escalation and conflict resolution techniques with children and adolescents.
3. Behavioral health disorders in children and adolescents.
4. Alternatives to arrest and other juvenile justice diversion strategies.
5. Behavioral threat assessment methods.

616.6 TRAINING

Prior to assignment as an SRO, officers shall complete all training required by the contract (Utah Code 53G-8-703).

Members serving as an SRO shall attend the annual School Safety and Security Training Program (UAC R277-400-10).

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