Chapter 8 - Support Services

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Crime Analysis/Real Time Crime Center (RTCC)

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports.
- Field Interview cards.
- Parole and Probation records.
- Computer Aided Dispatch data.
- Department of Public Safety, Bureau of Criminal Identification (BCI).

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime.
- Geographic factors.
- Temporal factors.
- Victim and target descriptors.
- Suspect descriptors.
- Suspect vehicle descriptors.
- Modus operandi factors.
- Physical evidence information.

800.4 EVALUATION OF DATA AND FINDINGS FOR ACCURACY

The following minimum criteria should be used in evaluating data and findings:

(a) Comparisons of data from multiple sources when possible.

(b) Comparisons of data from similar time-frames when possible.

800.5 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis.

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- Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them.
- Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.
- The Chief of Police will be briefed on crime patterns and trends at a minimum of once a month or as needed.

800.6 REAL TIME CRIME CENTER (RTCC)

800.6.1 POLICY

The West Valley City Police Real Time Crime Center (RTCC) will leverage technology to assist patrol and investigative units during the initial stages of response and through the preliminary investigation of priority calls and significant events. The RTCC also conducts proactive monitoring of available resources to aid in the prevention of crime and assess the need to deploy additional resources.

800.6.2 DUTIES, RESPONSIBILITIES, AND ACCOUNTABILITIES

800.6.3 SUPERVISOR

The RTCC Supervisor will:

(a) Provide overall leadership and supervision through coaching and counseling.

(b) Work to maintain a team philosophy and an open line of communication between the members of the unit as well as other divisions within the West Valley City Police Department.

(c) Complete administrative duties related to, and ensure compliance with, Department rules, regulations, procedures, and directives.

(d) On a case-by-case basis, assign analysts to cover critical and special events.

800.6.4 RTCC ANALYSTS

RTCC analysts will:

(a) Possess or develop a strong understanding of available resources including, but not limited to, technology that can be utilized to impact crime, the skills to analyze those resources and obtain needed information from them, and the ability to communicate that information to the Department personnel best able to use that information for proactive enforcement and criminal investigative purposes.

(b) Support priority calls for service and significant events by conducting real-time analysis of available technological resources and extracting information from them. RTCC analysts will determine the value of the information obtained and how that information should be disseminated.

(c) Gain and maintain an overall understanding of significant crime trends across the Department's jurisdiction.

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(d) Conduct proactive monitoring of available technological resources and report relevant useable information derived from those resources in an accurate,timely, and ongoing manner to better enable the WVCPD to impact crime.

(e) Maintain an open line of communication between the RTCC and other WVCPD divisions.

800.6.5 OPERATIONAL PROCEDURES

The RTCC will support patrol and investigative units by utilizing available technology and information systems to offer situational awareness to sworn employees as they respond to various calls for service, as well as investigative support during the initial investigation.

(a) Investigative Support

1. Calls for Service. In response to calls for service, RTCC analysts are responsible for the following:

   (a) Monitoring for relevant incidents;

   (b) Switching to the appropriate radio channel as needed;

   (c) Monitoring call comments and related radio traffic;

   (d) Checking assets/resources/databases; and

   (e) Reporting any findings to responding and/or investigating officers.

2. Public Events and Large Crowds. Examples of public events and large crowds include, but are not limited to, sporting events, street festivals, and outdoor concerts. The RTCC will utilize available technological resources near relevant events to look for suspicious activity leading up to and during the event, and report any activity as soon as possible and/or practicable to appropriate employees.

3. Special Operations. Examples of special operations include, but are not limited to, joint operations involving multiple agencies, pre-planned executions of arrest and/or search warrants, and command center video support.

4. Call-Out. Analysts will be subject to call-out. Compensation will be in accordance with policy.

(b) Camera Assets. The RTCC has access to live and recorded video via a video management system fed from various sources. In addition, the RTCC has access to rapid deployment cameras to assist in locations not otherwise covered by static resources.

1. A legitimate law enforcement purpose is required to use or review video recordings that are accessible to, and are the responsibility of, the RTCC.

2. Based on crime trends or active crime series, RTCC analysts may monitor relevant cameras for suspicious or related activity.

3. RTCC analysts will periodically check for camera positioning, needed camera maintenance or repair, and opportune locations for potential placement of rapid deployment cameras.

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(c) ALPR Systems. RTCC employees will:

1. Follow the policies and procedures listed in the Automated License Plate Reader (ALPR) Policy and SOP.
2. Monitor the ALPR system and address alerts that are initiated when appropriate.
3. Enter license plate numbers into the designated ALPR system hotlist when requested and when requests meet unit criteria.
4. Monitor the vehicle entries and communicate with those who create entries to verify the information is current and still active.
5. Video surveillance in public areas will be conducted legally and ethically while recognizing and protecting constitutional privacy standards.

(d) Evidence Retention and Video Disclosure.

1. RTCC analysts will retain electronic evidence collected and disclose such evidence per federal and state laws, and Department policy.
2. The Traffic Unit will have the authority to seek and retain video associated with accident investigations that fall within their scope of work. No other accidents will be retained and saved unless authorized by a member of the Traffic Unit.
3. In instances where a request for electronic evidence is received that does not meet the criteria of being for a law enforcement purpose and is not related to the civil liability of the City of West Valley (e.g., civil matters related to automobile accidents), the complainant must have a court order before RTCC personnel will begin a search or retain electronic evidence. No footage will be released absent the appropriate legal process.

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Dispatch

801.1 PURPOSE AND SCOPE

The Dispatch or Communications Center is an integral part of Department operations, conveying information from the public through the Dispatch Center's personnel to the officers who respond to assist the public. The Department contracts with the Valley Emergency Communications Center (VECC) to provide these critical services. The Department provides 24-hour, toll-free voice, TTY/TTD, and Text 2 9-1-1 services for emergency calls through VECC. This policy establishes guidelines for that communication and other services provided by the Dispatch Center.

801.2 RECORDING INFORMATION ON CALLS FOR SERVICE

The Dispatch Center will remain in constant contact with Department officers and, as necessary, with other emergency services and dispatch centers operating within the Dispatch Center's jurisdiction.

The Dispatch Center is responsible for tracking and recording officers' activities. The information tracked by the Dispatch Center includes, but is not limited to, officer(s) dispatched, the time dispatched, the time arrived or the time the officer(s) called out on a self-initiated activity, the status of the officer(s) while on a call for service or self-initiated activities, the time the officer(s) completes his/her activity and the time the officer(s) return to service.

At a minimum, the following information will be logged into the Computer Aided Dispatch (CAD) screen by the call taker and/or dispatcher:

(a) The CAD call number;

(b) The date and time of the request;

(c) The name, address and contact number for the complainant if available;

(d) The type of incident being reported;

(e) The location where the incident is occurring;

(f) The identification of the officer(s) assigned to the call.

(g) The time of dispatch;

(h) The time of the officer(s) arrival(s);

(i) The time(s) of any status checks on the officer(s) and the result of those checks;

(j) The time the officer(s) complete the call and return to service; and

(k) The disposition or status of the reported incident.

801.3 RADIO COMMUNICATIONS PROCEDURES

All officers, regardless of assignment, are to notify the dispatcher when they are responding on any type of dispatched call, self-initiated activity, or when they are in or out of service. Officers should make these notifications over their vehicle or hand-held radios, except in instances when that type of communication could be intercepted and endanger the officer or other responders. In

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those instances, officers may make the notification via their MDT or by phone. The status of all on-duty officers and their availability to respond to calls shall be documented by the dispatcher on the CAD screen.

On-duty officers and personnel will use their assigned call sign to identify themselves to the dispatcher and other personnel over the radio. Off-duty officers who do not have a permanent individual call sign will identify themselves on the radio by the identifier WV - (West Valley), followed by their employee identification number.

When an incident involves officers from multiple agencies, the dispatcher may patch in the other agencies communications channels or designate a channel that all the involved agencies have the capability of receiving. When responding on a channel, such as the Salt Lake Regional channel, officers should call out as "West Valley" with their call sign or employee identification number. .

For the purposes of this policy the term "channel(s)" is being used to reference the radio talkgroups on the Motorola 800 MHz Smartzone radio system.

801.4 ASSIGNMENT OF PERSONNEL TO CALLS

When available, dispatchers should dispatch the beat car as the primary officer to calls in that beat. If the beat car is unavailable, dispatchers should dispatch cars from the surrounding beats. Calls will be dispatched on the basis of the pre-determined priority for the type of call. If no officers are available when a priority call is received, the dispatcher will notify an on-duty supervisor and ask for officers to clear from lower priority calls to respond.

The dispatcher should dispatch at least two officers on calls involving violence or potential violence against other persons, including officers, and in-progress calls where a suspect is still on scene. For calls where the suspect is no longer on scene and for property crimes, the dispatcher may dispatch one officer. The on-duty supervisor will monitor the number of officers responding on a call in order to ensure that the number is appropriate to the type of call.

801.4.1 SHIFT COMMANDER/SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Shift Commander/ Supervisor. The Shift Commander/Supervisor is directly responsible to the Patrol Bureau Commander or the authorized designee.

The responsibilities of the Shift Commander/Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records.

(c) Supervising, training and evaluating dispatchers.

(d) Ensuring the radio and telephone recording system is operational.

    (a) Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Processing requests for copies of Dispatch information for release.

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(f) Maintaining Dispatch database systems.

(g) Maintaining and updating Dispatch procedures manual.

(a) Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

(b) Ensuring dispatcher compliance with established policies and procedures.

(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints policy.

(i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

801.4.2 ADDITIONAL PROCEDURES

The Shift Commander/Supervisor should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of field members and safety check intervals.

(f) Emergency Medical Dispatch (EMD) instructions.

1. Only dispatchers trained in EMD are authorized to give first aid instruction over the telephone or radio.

2. Dispatchers trained in EMD shall have immediate access to approved emergency medical guidelines.

(g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(i) Protection of radio transmission lines, antennas, and power sources for Dispatch (e.g., security cameras, fences).

(j) Handling silent and hang-up calls.

(k) Handling private security alarms, if applicable.

(l) Radio interoperability issues.

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801.4.3 DISPATCHERS

Dispatchers report to the Shift Commander/Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:
    (a) Emergency 9-1-1 lines.
    (b) Business telephone lines.
    (c) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
    (d) Radio communications with Department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
    (e) Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of Department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through Dispatch, Department and other law enforcement database systems (e.g., Department of Motor Vehicle (DMV) records, the Utah Criminal Justice Information System (UCJIS) and NCIC).

(d) Monitoring Department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
    1. Vehicle pursuits.
    2. Foot pursuits.
    3. Assignment of emergency response.

801.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

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If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

801.5.1 MISDIRECTED CALL PROCEDURES

The Shift Commander/Supervisor should ensure that all dispatchers are aware of the following procedures for handling misdirected emergency calls:

(a) If a call is received for an emergency service that this Department does not provide or that is outside this Department's jurisdiction, the dispatcher receiving the call should do one of the following, depending on the nature of the call:

1. Transfer the caller to the appropriate agency. The dispatcher should monitor the call to confirm that a connection was made and to ascertain whether further assistance is needed.
2. Collect all pertinent information and contact the appropriate agency to relay the request.

(b) Any emergency call received on a non-emergency number will be handled as a 9-1-1 call.

(c) When misdirected non-emergency calls are received by Dispatch, a dispatcher should provide the caller with the telephone number of the appropriate service provider, if practicable.

801.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with Department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

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(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Shift Commander/Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

801.6.1 ACCESS TO PORTABLE RADIOS
Each officer on duty shall have access to a two-way, hand-carried portable radio.

801.7 RECORDING AND PLAYBACK

Dispatch shall have the capability for recording and playback of all radio communications and incoming telephone calls. Recording equipment shall allow for immediate playback at Dispatch positions to allow for dispatcher review of information.

801.7.1 REVIEW, COPYING, AND RELEASE OF RECORDINGS
Upon approval by the Shift Commander/Supervisor, recorded files may also be reviewed:

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

(b) By supervisors who are reviewing conduct by members of the Department, for training purposes, or when review of a recording might be beneficial in reviewing a member's performance.

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

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

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

All requests for the release of recordings shall be processed in accordance with the Records Maintenance and Release policy.

801.8 ALTERNATE POWER SOURCE

The Department shall have an alternate source of electrical power that is sufficient to ensure the continued operation of the emergency communication equipment if the primary power source fails.

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Property and Evidence

802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

802.2 DEFINITIONS

Definitions related to this policy include:

Cohabitant - A person who is 18 years old or older, who resides in the same residence as the owner-cohabitant, and is any of the following (Utah Code 53-5a-501):

- Living as if a spouse of the owner cohabitant.
- Related by blood or marriage to the owner cohabitant.
- Has one or more children in common with the owner cohabitant.
- Has an interest in the safety and well-being of the owner cohabitant.

Contraband - Any property, item, or substance that is unlawful to produce or to possess under state or federal law.

Contraband includes:

- A controlled substance that is possessed, transferred, distributed, or offered for distribution in violation of Title 58, Chapter 37, Utah Controlled Substances Act.
- A computer that: contains or houses child sex abuse material (CSAM), or is used to create, download, transfer, upload to a storage account, or store any electronic or digital files containing CSAM.
- A computer that: contains the personal identifying information of another individual as defined in Subsection 76-6-1102(1), whether that individual is alive or deceased, and the personal identifying information has been used to create false or fraudulent identification documents or financial transaction cards in violation of Title 76, Chapter 6, Part 5, Fraud.
- A firearm, or dangerous weapon, if the legal owner is, or becomes, a restricted person under Utah Code 76-11-303.

Disposal - Authorized removal of property from the Evidence Room inventory as dictated by state law and Department policies.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value, and where the owner cannot be readily identified or contacted.

Owner cohabitant - A cohabitant who is 18 years old or older and owns a firearm. Utah Code 53-5a-501.

Property - Includes all items of seized evidence, items taken for safekeeping, and found items.

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Recovered Stolen Property - Includes all items recovered during an investigation that have been stolen or listed as such in the NCIC database.

Seized Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property where the lawful owner is known:

- Property obtained by the Department that is not necessary for the prosecution of the case and can be released to the owner without further authorization.
- Personal property of an arrestee not taken as seized evidence.
- Property taken for safekeeping under authority of a law.

802.3 PROPERTY HANDLING

(a) Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is returned to the owner or properly tagged and placed in the designated property locker or storage room. Employees will understand that establishing and maintaining chain of custody is critical in the prosecution of a case. Care shall be taken to maintain and limit the number of officers involved in the chain of custody for all items collected.

(b) A **general offense or initial report is required** for any property submitted to the Evidence Room for storage. This should at minimum include a description of the item and the location it was collected from, regardless of the property type. When generating a property report in the Department records management system, all items collected will be marked as "Evidence-Yes." This indicates that the property is physically being received by evidence personnel.

(c) Any individual who turns over found property to an officer must complete a **Found Property Statement**. The officer will submit the completed statement to the Records Section to be attached to the case. Where ownership can be established as to found property with no apparent evidence value, such property may be released to the owner without the need for booking. This type of release must be concluded during the same shift period that the officer receives or finds the property; otherwise the officer must book the item/s into the Evidence Room. The officer will document the date, time and location of the release, and who the property was released to in his/her incident report.

(d) Personal **property of an arrestee** not taken as evidence should be booked into the Evidence Room under the status of safekeeping. The officer should complete a **Notice to Claim Property Form** for these items. A copy of this form will be given or mailed to the arrestee and serves as notification that the property will only be kept for 90 days. A second copy of the form will be placed in the evidence locker with the property or submitted electronically through OnBase.

(e) All property submitted to the Evidence Room must be thoroughly inventoried. This includes all closeable containers such as safes, suitcases, backpacks and purses. If the contents of an item are unknown, it will not be accepted for storage. Items that contain personal information, such as driver's licenses, credit cards, and cell phones must be removed from bags or suitcases and packaged separately. These items have

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additional requirements to legally return or dispose of and packaging them separately is the only way to ensure they are not overlooked.

(f) If the arrestee is in possession of items that would be considered trash (Kleenex, old bus transfers, etc.) or food or drink items that are not accepted by the Evidence Unit, these items will be properly disposed of in a trash receptacle, and this will be documented in the officer's report.

(g) Contraband items that are not needed for the prosecution of a case will be packaged and submitted to the Evidence Room for disposal. Items submitted for disposal require a property report generated in the Department records management system and chain of custody established as an original submittal. Evidence personnel will receive the item and document its disposal based upon legal requirements for the item type.

(h) **Excluding exceptional circumstances, officers will complete the booking process and shall not maintain possession of the property beyond the end of his/her shift without supervisor approval.** Exceptional circumstances that could delay the completion of the booking process include cases involving very large quantities of property or complex scenes, and cases involving collecting evidence from other jurisdictions where overnight travel is involved.

1. When a case involves a large quantity of property or a complex scene, the officer should obtain a supervisor's permission to store the items collected in a secure locker in the property intake area of the Evidence Unit. An email should be sent to the WVC Evidence group email letting them know which locker the property is in and that the officer has not completed packaging and booking the items. The officer may then return to the Evidence Unit during business hours and evidence personnel will assist the officer in retrieving the property to complete the booking process.
2. Property will not be stored in the officer's workspace, vehicle, home, or other places that are not secure and would interrupt the chain of custody. If an officer must travel overnight in order to collect evidence from another jurisdiction relating to a case in this jurisdiction, the evidence should be removed from the vehicle the officer is traveling in and secured with him/her in his/her overnight accommodation so that the chain of custody remains unbroken.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to officers going off-duty unless there are exceptional circumstances, such as those listed in the Property Handling policy above, and approved by a supervisor. Officers booking property should observe the following guidelines:

(a) Complete the Property Form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Sign their initials on, and date all seals, ensuring that the signature is partly on the seal and partly on the packaging to protect against tampering.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

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(d) When the property is too large to be placed in a locker, the item will be secured in one of the large evidence cages located in the in the entryway to the Evidence Booking Room of the Police Department. The cage will have an open padlock. After placing the item(s) in the cage, officers will close the cage door and secure the cage with the padlock. Only Evidence personnel have the combination to open the padlock once it is secure. If these cages are all in use, an Evidence Technician will be called out to take in the evidence directly.

(e) Evidence personnel have the right to refuse any item improperly submitted by the impounding officer. The item will be secured in the property room and notification will be made to the officer and the officer's supervisor requesting the property be properly booked prior to the end of the officer's next regular shift. Documentation will be kept on file in the evidence management system.

(f) Complete a written report detailing the circumstances by which the property came into the officer's custody, and describing each item of property booked into evidence.

802.3.2 EXCEPTIONAL HANDLING OR PACKAGING OF PROPERTY

Certain property items require additional considerations during the collection process. The following items shall be handled in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried and placed in a paper bag prior to booking. Heavily saturated items that require extra time to dry will be secured in the drying cabinet located in the Evidence Booking Room. Officers will place the items in the cabinet, lock it, and remove the key. The Officer will sign the log on the cabinet door and keep the key until he/she can return to package and submit the items into evidence. To avoid cross-contamination of biological evidence, the items collected from different cases or from different subjects should not be placed in the drying cabinet at the same time. In situations where the cabinet is full or more drying space is needed, Evidence Unit staff should be notified to assist. All evidence bags or containers that have items contaminated with bodily fluids and/or blood shall have a biohazard sticker attached.

(b) Wet or damp evidence will be air dried and placed in a paper bag. Items requiring extra time to dry should be secured in the drying cabinet using the same process as listed in paragraph (a) above. Under no circumstances will evidence containing any moisture or subject to biological decomposition, such as plants or animal tissue, be stored in airtight containers or plastic bags.

(c) All bicycles and bicycle frames require a property report. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Technician or placed in the bicycle storage area until an Evidence Technician can log it in.

(d) All cash shall be counted in the presence of the initial officer, a witness officer and a supervisor and the envelope and currency label initialed by both officers and the supervisor. Cash booked as seized evidence will be deposited into the city account within (15) working days. Amounts collected more than $5,000 will be deposited within (2) working days. Evidence personnel must be notified at the time of booking to place a hold on a cash deposit if there is a reason it needs to be retained in cash or submitted

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for forensic testing. Cash booked for safekeeping may be retained and stored in the safe room until it is returned to the owner or exceeds the (90) day retention period.

(e) Evidence personnel will store all cash, jewelry, and other valuables in the designated safe room within the secured evidence storage area.

(f) Evidence personnel will store all firearms in a separate locked room within the secured evidence storage area.

(g) Evidence personnel will store all drugs in a separate locked room within the secured evidence storage area.

(h) Evidence which may bear latent fingerprints, or partial prints, will be handled carefully and packaged individually to prevent destruction or contamination.

(i) Alcoholic beverages will be documented and collected using the following guidelines:

1. The employee collecting the alcoholic beverage should place a mark on the container to note the level of the liquid in the container upon seizure and the item should be photographed. The liquid will then be discarded and the container will be submitted to evidence personnel for storage.

2. If the item is going to be processed for DNA or fingerprint evidence, it must be thoroughly dried and packaged in a paper bag prior to submitting it into evidence.

(j) Paraphernalia as described in Utah Code 58-37a-3 should be photographed and booked for disposal unless it is needed for the prosecution or enhancement of a criminal case.

(k) Per the City Attorney's office, syringes taken as evidence in misdemeanor crimes should be photographed and then be disposed of in the provided sharps container for destruction. The syringes themselves will not be accepted into the Evidence Room when the associated crime is a misdemeanor.

(l) City property, unless connected to a known criminal case, should be released directly to the appropriate City Department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

(m) Cases that involve child sexual abuse material (CSAM) are generally received through the ICAC Data System (IDS). When these are received, the assigned detective shall download the case file to an encrypted thumb drive. After the initial review and documentation of the reported CSAM has been completed, the thumb drive shall be booked into evidence. For cases involving CSAM that are received outside of the IDS, detectives should avoid multiple downloads. Detectives should consider the long-term value of uploading the hash values of the CSAM images to Project Vic for future prosecution.

802.3.3 RECEIPTS FOR PROPERTY

(a) When an officer receives or seizes property that is not contraband for any reason, the owner or person the officer receives or seizes the property from will be given a receipt. If no person is present, the officer shall leave a receipt in the place where the property was found. The officer will document in his/her report to whom the receipt

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was given or where the receipt was left, and will include a copy or photo of the receipt with their report documentation, with the exception of the Notice to Claim Property (NTCP) form. The officer will give one copy of the Notice to Claim Property form to the person from whom the property was received or seized. The other copy of the Notice to Claim Property form will be placed in the evidence locker with the property or submitted electronically through OnBase.

(b) Officers seizing contraband are not required to give a receipt to the possessor or owner, but a detailed description of what was seized, who it was seized from, and where it was seized from will be documented in the officer's report.

(c) If a copy of the NTCP form cannot be given to a person at the time of collection, then both copies can be placed in the evidence locker and the original will be sent by mail to the owner. If the owner of the property does not have a permanent mailing address, then the officer is responsible for verbally providing the information pertaining to the process for claiming property within the 90-day hold period. The officer should then list "verbally advised" under the address of the NTCP form and submit it with the booked property.

(d) Officers will use the following forms as receipts depending on the reason the property is received or seized:

1. For found property: Found Property Statement Form.
2. For property held for safekeeping: Notice to Claim Property (NTCP) Form.
3. For property seized for asset forfeiture purposes: Asset Seizure Notification Form.
4. For property seized as evidence: Evidence Inventory Form.

802.3.4 NARCOTICS AND DANGEROUS DRUGS

For the safety of personnel, additional precautions must be taken when handling and collecting narcotics and dangerous drugs. The following processes shall be followed by the submitting officer:

(a) All narcotics and dangerous drugs must be weighed or counted prior to submission to the Evidence Room for storage. The quantity must be entered into the records management system and the officer must indicate in a written report if the weight includes the packaging material.

(b) If the quantity allows, a presumptive test should be performed on all suspected drugs using the designated fume hood located in the evidence booking room of the Police Department. The officer will use the provided personal protective equipment and follow the standard operation procedures posted by the fume hood to reduce exposure to potentially hazardous substances. No presumptive testing will be conducted in the field or without proper protective equipment. The results of the presumptive testing will be indicated in the officer's report.

(c) All suspected narcotics and dangerous drugs must be packaged separately from other items and double-bagged.

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(d) Wet plant material or other substances containing moisture must be dried out prior to packaging or submitted in multiple layers of paper products. Evidence personnel should be consulted for guidance on any abnormal situations regarding the collection of suspected narcotics and dangerous drugs.

(e) Paraphernalia as defined by Utah Code 76-18-301 shall be booked separately from drugs and all other items of property. Paraphernalia confiscated in misdemeanor cases should be photographed and booked into the Evidence Room for disposal.

802.3.5 EXPLOSIVES AND FLAMMABLE LIQUIDS

(a) Officers who encounter explosive materials or an explosive device shall immediately notify their immediate supervisor and/or Field Commander. The bomb squad will be called to handle situations involving explosive devices, and all such devices will be released to them for disposal (See policy regarding Response to Bomb Calls).

(b) Explosive materials and flammable liquids such as gasoline, acids, or items producing explosive vapors, with the exception of small cigarette lighters and E-cigarettes, are never to be booked into the Evidence Room. This includes fireworks or suspected fireworks of any kind and black powder, even when sealed in the original container. If necessary, a forensic technician may be called out to process containers containing flammable liquids prior to disposal. These items shall be photographed and then turned over to the bomb technician for disposal.

(c) E-cigarettes and small cigarette lighters need to be packaged in a plastic evidence bag in case of leakage. Batteries should be detached and booked in separate packaging if possible.

(d) Small arms ammunition is not considered to be an explosive. Ammunition may be booked into evidence, but may not be booked in the same packaging as any clip/magazine and/or firearm itself. The only exception to packaging ammunition separately from any clip/magazine is if the ammunition needs to be processed for fingerprint evidence. If so, the ammunition should be left in the magazine, to prevent evidence contamination, and submitted separate from the firearm. Once the forensics examiner fingerprints the ammunition, the ammunition and clip/magazine will be booked back into evidence in separate packaging.

802.3.6 FIREARMS AND DANGEROUS WEAPONS

For the safety of all personnel, additional precautions must be taken when packaging and submitting firearms and dangerous weapons to the Evidence Room. The following processes shall be followed:

(a) Fixed blade knives or sharp tools must be secured in a knife box using a zip tie.

(b) Folding knives may be secured closed with a zip tie and placed in a plastic bag.

(c) Firearms must be cleared prior to submission to the Evidence Room. A "weapon cleared" flag will be inserted into the chamber of all pistols. Shotguns and rifles should be packaged with the action left open and facing up if the use of a chamber flag is not practical. Revolvers will have a zip tie wrapped around the top of the frame to prevent

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the cylinder from closing. If a firearm cannot be cleared, evidence personnel must be contacted for guidance.

(d) All cleared firearms will be secured in a box using zip ties across the handle, frame, or barrel. Do not place zip ties around the trigger, through the chambers, or down a barrel. A Weapon Cleared Sticker will be completed with all relevant information and attached to the exterior of the firearm box.

(e) A magazine removed from a firearm that does not contain ammunition may be zip tied in the same box as the firearm.

(f) Ammunition must be packaged separately from any firearm or magazine, unless it needs to be processed for fingerprint or DNA evidence. If so, the ammunition should be left in the magazine to prevent evidence contamination and submitted separate from the firearm. Once the forensics examiner processes the ammunition, the ammunition and magazine will be booked back into evidence in separate packaging.

(g) All firearms that are booked into evidence as found or seized evidence must have an eTrace completed. The detective assigned to a case involving a firearm is responsible for ensuring an eTrace has been submitted and is also responsible for documenting and following up on the results of the eTrace return. When an eTrace return identifies that the individual possessing the firearm was not the original purchaser, the detective will attempt to contact the original purchaser to see how the firearm came to be recovered by law enforcement. This information will be documented in the detective's report.

802.3.7 FIREARMS SAFE HARBOR ACT

(a) Officers shall accept a firearm for safekeeping from any cohabitant or owner cohabitant who requests it, and who believes that the owner cohabitant or another cohabitant with access to the firearm is an immediate threat to the cohabitant, the owner cohabitant, or any other individual (Utah Code 53-5a-502). The submission of the firearm must be recorded as a non-reportable case number separate from any other general offense.

(b) The officer receiving the firearm shall:

1. Record the owner cohabitant's name, address, and telephone number.
2. Record the firearm's serial number and the make and model of each firearm received.
3. Record the date that the firearm was accepted for safekeeping.
4. If the firearm was received from a cohabitant, require that the cohabitant sign a document attesting that the cohabitant resides in a home with the owner cohabitant. Package the firearm according to policy and include a "Safe Harbor Firearm" sticker on the box.

(c) An owner cohabitant committing the firearm shall not be asked or required to provide the name of, or any other information about, the cohabitant who poses the threat.

(d) If a firearm received under the Act is determined to be illegal to possess or to own, the officer shall confiscate and book the firearm according to current procedures, notify the person who requested that the firearm be taken for safekeeping of its confiscation,

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and dispose of the firearm in accordance with Utah Code 77-11a-403 (Utah Code 53-5a-503).

(e) The Evidence Supervisor/Technicians shall hold a firearm accepted pursuant to this policy for an initial period of 60 days, renewable for an additional 60 days upon request of the cohabitant or owner cohabitant. At the expiration of this time the firearm shall be returned to the owner cohabitant subject to the following (Utah Code 53-5a-502; Utah Code 53-5a-503):

1. If, prior to the expiration of the 60-day period, the owner cohabitant requests return of the firearm in person, it shall be returned at the time of the request.
2. If an owner other than the owner cohabitant requests return of the firearm, it may be returned to such owner after the expiration of the 60-day period if the owner requesting the firearm provides identification and signs a document attesting to having ownership in the firearm or pursuant to a court order.
3. If an owner is subject to a jail release agreement or jail release order arising out of a class A misdemeanor or felony domestic violence offense for which the owner was arrested and jailed and for which a court has determined probable cause exists, the firearm may not be returned until 60 days after the expiration of the jail release agreement or jail release order.
4. The firearm may not be returned to the owner cohabitant if the owner cohabitant is a restricted person under Utah Code 76-11-302 or Utah Code 76-11-303 or otherwise prohibited from possessing a firearm under state or federal law.

(f) If more than one year has passed since the firearm was committed and the owner cohabitant cannot be located, the Department should dispose of the firearm in accordance with Utah Code 77-11a-403 (Utah Code 53-5a-503).

(g) The Evidence Supervisor/Technicians shall destroy any record created exclusively to document the safekeeping of the firearm as soon as practicable, but no later than five days after releasing the firearm to the owner, or otherwise disposing of the firearm under the Utah Firearms Safe Harbor Act. Until they are destroyed, records pertaining to firearms accepted under the Safe Harbor Act are deemed private records and should not be disclosed except as authorized by law (Utah Code 53-5a-502).

802.4 PROPERTY CONTROL

Each time the Evidence Supervisor/Technicians receives property or releases property to another person, he/she shall enter this information into the records management system. Officers who must take property to court shall contact the Evidence Supervisor/Technicians at least one day prior to the court date.

802.4.1 RESPONSIBILITY OF OTHER PERSONNEL

(a) Every time property is released or received, an appropriate entry in the records management system shall be completed to maintain the chain of custody. No seized evidence is to be released without first receiving written authorization from an attorney, a supervisor or an officer.

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(b) Request for analysis of items including narcotics or drugs shall be completed on the appropriate forms and submitted to the Evidence Supervisor/Technicians. This request may be filled out any time after booking of the property or evidence. The request will be documented in the records management system by an Evidence Technician.

802.4.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the property out of evidence. The Evidence Technician must enter this transaction in the records management system, which will show the date and time, and document the chain of custody.

STATE CRIME LAB PROCEDURES

(a) The Evidence Technician will complete an entry in the Utah Criminal Justice Information System (UCJIS) under Crime Lab Entry, which will prepare the State Crime Lab for the delivery of the property.

1. All property will be checked out and transported to the lab unopened and in its original packaging.
2. The State Crime Lab will generate a form to include received by and released by signatures.
3. A copy of this form will be scanned into the electronic filing cabinet under the appropriate case number by the Evidence Technician delivering the property.

(b) When property is returned to the Evidence Unit by the State Crime Lab, a return entry will be made in the records management system.

1. A copy of the lab results will be available on UCJIS.
2. The Evidence Technician will scan a copy of these results into the electronic filing cabinet software under the appropriate case number.

TOXICOLOGY LAB

(a) The Evidence Technician will complete an entry in the Utah Criminal Justice Information System (UCJIS) under Crime Lab Entry, which will prepare the Toxicology Lab for the delivery of the property.

1. The property will be checked out and transported to the toxicology lab unopened and in its original packaging.
2. It will be checked in at the lab window. A received slip will be generated by the lab and given to the transporting employee. If the transporting employee is not an Evidence Technician, the received slip will be taken to an Evidence Technician.
3. These documents will be scanned into the electronic filing cabinet under the appropriate case number, verifying the transfer of the property.

(b) Toxicology laboratory reports are sent to the Evidence Unit via email and scanned into the electronic filing cabinet.

1. Notifications are sent to case managers making them aware that a report is available in the system.

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2. When property is returned to the Evidence Unit from the toxicology lab, a return entry will be made in the records management system.

REGIONAL COMPUTER FORENSICS LAB (RCFL) AND OTHER OUTSIDE LABS

(a) It will be the officer's responsibility to check out and transport property in its original packaging to the Regional Computer Forensics Lab (RCFL) or any other outside lab for processing.

1. The property will be checked in at the receiving lab and will be logged into that lab's system according to the lab's protocol.

2. The officer will document all chain of custody transfers in a supplemental report to the original case.

(b) The officer will be responsible for the return of the property and its original evidence packaging from the lab.

1. The officer will sign any chain of custody form required by the lab and obtain copies of any results of tests performed on the property by the lab. The officer will attach these documents electronically to the case report.

2. The processed property will be returned to an Evidence Technician or booked into a secure locker in the Evidence in-take area.

3. The Evidence Technician receiving the returned property will make a returned entry in the records management system. The officer will document all chain of custody transfers in a supplemental report to the original case.

(c) If the lab is out of state, or outside of reasonable driving distances, the officer will make arrangements with the lab for the property to be sent via a method which requires a certified signature verifying the receipt of the property. The officer will include the processing request information with the packaged property.

1. The Evidence Technician will update the records management system to show when the property was checked out and for what purpose.

2. The officer will document all chain of custody transfers in a supplemental report to the original case.

(d) The officer is responsible to ensure the property is returned to him/her via a method which requires a certified signature verifying the receipt of the property.

1. The officer will return the property to an Evidence Technician or secure the property in a locker in the Evidence in-take area.

2. The Evidence Technician receiving the property will make a return entry in the records management system.

3. The officer will attach any lab results and other documentation to the case and will complete a supplemental report documenting the chain of custody of each item sent for processing.

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(e) If the property is used up during the processing procedure or will not be returned to evidence for any reason, the officer will notify the Evidence Unit of the status of the property in writing. This may be done via email to the evidence helpdesk.

802.4.3 STATUS OF PROPERTY

(a) Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the records management system, stating the date, time and to whom released.

(b) The Evidence Supervisor/Technicians shall obtain the signature or verification password of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

(c) The return of the property should be recorded in the records management system, indicating date, time and the person who returned the property.

802.4.4 AUTHORITY TO RELEASE OR DISPOSE OF PROPERTY

(a) Evidence personnel shall have the authority to release or dispose of property not connected to any criminal case and booked as found or safekeep, so long as the statutory requirements outlined in this policy are met.

(b) Additional authority to release may be granted in specific circumstances by the City or prosecuting attorney and outlined in a Disposal Memorandum which will be referenced, by evidence personnel, in the records management system.

(c) The disposal of seized evidence shall be authorized by the investigating officer/ detective, supervisor, or prosecuting attorney. The signed authorization for disposal must list the specific items to be disposed of and the method of disposal, which may include returning to an owner, auctioning, donating, converting, or destroying.

802.4.5 RELEASE OF PROPERTY

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator and must specify the specific items to be released. Release of all property shall be documented in the records management system.

(a) A background check will be conducted through the Utah State Bureau of Criminal Identification prior to the release of any firearm or ammunition to verify that the owner does not have any restrictions. Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual owns the item. Before returning a seized firearm to an individual, the Evidence Supervisor/Technicians shall submit the necessary form to the Bureau of Criminal Identification to determine whether the individual may lawfully possess and receive a firearm (Utah Code 77-11a-402; UAC R722-380-5).

(b) Acceptable proof of ownership may include the following:

1. A receipt of purchase or transfer.

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2. eTrace results indicating the individual is the original purchaser.
3. Facts outlined in a police report that support the release of the firearm to that individual.
4. A notarized affidavit declaring ownership and detailing how the firearm was obtained.
5. Third-party releases will not be allowed unless there are exceptional circumstances or a court order. Consideration will be made on a case-by-case basis.

(c) All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping (Utah Code 77-11d-104).

1. An Evidence Supervisor/Technicians shall release such property when the owner presents proper identification, and an authorized property release form has been received. The signature of the person receiving the property and the final disposition of the property shall be recorded in the records management system.
2. Found property and property held for safekeeping shall be held for a minimum of 90 days. If the owner of any unclaimed property cannot be determined or notified, or if the owner has been notified and fails to appear and claim the property, the agency shall (Utah Code 77-11d-105):
   (a) Publish at least one notice of the intent to dispose of the unclaimed property on the state Public Legal Notice website, giving a general description of the property and the date of intended disposition.
   (b) Post a similar notice in a public place designated for notices within the law enforcement agency.
   (c) Post a similar notice on the City public website of the West Valley City Police Department.
3. If no claim is made for the property, the property may be returned to the person who brought the property to the Department or disposed of according to Utah Code 77-11d-105. The final disposition of the property shall be fully documented in the report management system. No Department employee may claim or receive unclaimed property as a finder.

(d) In cases involving juvenile offenders and the possession of child sex abuse material (CSAM), the parent or legal guardian may ask for the device to be returned. Any electronic communication device, computer, tablet, or storage device, or any other device that could contain electronic data that was known to contain CSAM, shall be factory reset to erase all data prior to being released. In cases involving adult offenders, the investigator should consult with the prosecuting attorney before any release is conducted.

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802.4.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil in nature and, in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

802.4.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Evidence Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of the Department, including paraphernalia as described in Utah Code 76-18-301.

802.5 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of an authorized release form for disposal.

802.5.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances.
- Animals, birds, and related equipment that have been ordered forfeited by the court.
- Counterfeiting equipment.
- Gaming devices.
- Obscene matter ordered to be destroyed by the court.
- Altered vehicles or component parts.
- Narcotics. (Utah Code 58-37-2 et seq.)
- Unclaimed, stolen or embezzled property.
- Destructive devices.

802.5.2 DISPOSITION OF MONEY IN EVIDENCE

(a) This section establishes the procedure for disposition of evidence funds.

(b) Procedure:

1. When the Evidence Unit receives notification from a prosecuting attorney's office that money in evidence is no longer needed for prosecution, an Evidence Technician will send notice to the case manager asking them if the money should be returned to the owner, continued to be held in evidence, or converted for City use.

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2. If the money is to be returned to the owner, the Evidence Technician will mail a notice to the owner. This notice will include instructions on the procedure to claim the money and notice that the money must be claimed within 90 days.
3. Money booked into evidence for safekeeping is held for 90 days. An Evidence Technician will ensure that a 90-day notice has been sent to the owner of any property, including money, which has been booked into evidence for safekeeping. At the end of the 90-day period, the Evidence Technician will follow the procedures outlined in this policy under the heading, Release of Property.
4. Found money booked into the Evidence Room is held for 90 days. At the end of the 90-day period, the Evidence Technician will follow the procedures outlined in the policy regarding Release of Property.
5. Unclaimed money in safekeeping, unclaimed found money, and seized evidence money designated to be converted for City use, will be hand delivered by evidence personnel, still in the sealed evidence envelope, to the City Treasurer. The envelope will be opened in the presence of the City Treasurer, and the City Treasurer and Evidence Technician will count the money. The Evidence Technician will receive a receipt for the money, which will be attached electronically to the associated case. The Evidence Technician will also complete a supplemental report to the case detailing the disposition of the money.
6. If found or seized money is no longer required as evidence and remains unclaimed after 90 days of notice being posted as described in Release of Property, the Department shall notify the person who turned the money over to the local law enforcement agency. Any person employed by a law enforcement agency who finds or seizes money may not claim or receive the money (Utah Code 77-11d-105).
7. Evidence money seized through the asset forfeiture process will be handled as noted in the policy regarding Asset Forfeiture.

802.5.3 BIOLOGICAL EVIDENCE

(a) Evidence Technicians shall ensure that no biological evidence held by this Department is destroyed without adequate notification to the following persons, when applicable:
   1. The defendant.
   2. The defendant's attorney.
   3. The appropriate prosecutor and Attorney General.
   4. Any sexual assault victim.

(b) The Special Operations Bureau Commander.

(c) Biological evidence shall be retained for a minimum period established by law (Utah Code 77-11c-201; Utah Code 77-11c-301;Utah Code 77-11c-401; Utah Code 53-10-904; Utah Code 53-10-905) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period,

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notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Special Operations Bureau Commander.

(d) Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

(e) Biological evidence from an unsolved sexual offense should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Special Operations Bureau Commander should be consulted and the sexual assault victim should be notified.

802.5.4 PROPERTY NO LONGER NEEDED AS EVIDENCE

(a) When a prosecuting attorney notifies the Department that evidence may be returned to the rightful owner, the Evidence Supervisor/Technicians shall attempt to notify the rightful owner that the property is available for return. Prior to the release of the property, the owner shall provide (Utah Code 77-11a-301):

1. Documentation establishing ownership of the property.
2. Documentation that the owner may lawfully possess the property.

(b) When the property is returned, a receipt listing the property in detail shall be signed by the owner and retained by the Department. A copy of the receipt shall be provided to the owner (Utah Code 77-11a-301).

(c) If the Department is unable to locate the rightful owner or the rightful owner is unable to lawfully possess the property, the Department may dispose of the property as provided by Utah Code 77-11a-402.

(d) If a court orders extraction and return of personal digital data from a computer determined to be contraband, the Department shall determine reasonable cost to provide the data, which shall be paid by the owner at the time the request is made (Utah Code 77-11a-301).

802.5.5 SECURITY AND ACCOUNTABILITY FOR CONTROLLED SUBSTANCES, WEAPONS, AND EXPLOSIVES USED FOR INVESTIGATIVE OR TRAINING PURPOSES

(a) Weapons not designated as evidence:

1. The Department may convert, for Department use, weapons that are no longer needed as evidence and have either been awarded to the Department through a judicial process, the rightful owner of the property is unable to lawfully possess the item, or the Department, after due diligence, is unable to locate the rightful owner.

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2. Requests to convert these weapons for training purposes or investigative use will be made via the Property Conversion Form, which will be forwarded through the chain of command to the Chief of Police or the Chief's designee. The request must include justification for the use, the employee responsible for the weapon, and how/where the weapon will be secured when not in use.
3. If approved, the Evidence Technician will sign the weapon over to the designated employee and make the necessary changes to the weapon's status in the records management system.

(b) Firearm Reference Collection:

1. The Firearm Reference Collection contains firearms and ammunition which have been acquired from the Evidence Unit through disposed evidence appropriation. They are maintained with strict documentation, regulation, and security by the Department Firearms Examiner and Forensic Director. They are subject to the same inspections and audits of evidence storage areas as outlined by the policy governing inspections of the Evidence Room.
2. Firearm Reference Collections aid the Department with gun-crime related investigations by providing information in the following areas:
    i. Providing various types of ammunition for test firing and NIBIN entry.
    ii. Evaluating manufacturing methods of tool-working surfaces.
    iii. Determining if alterations have been made to a comparable firearm.
    iv. Training of new Firearms Examiners and other members of the Department.
    v. Identifying firearm parts and their origins.
    vi. Providing substitute parts for evidence firearms which have been damaged, removed, or altered rendering them unsafe to test fire.
    vii. Defining the possible locations, character structure, and manufacturing methods of obliterated serial numbers.
    viii. Determining the makes and models of evidence firearms.
    ix. Requests to convert weapons or ammunition for the Firearm Reference Collection will be made via the Property Conversion Form, which will be forwarded through the chain of command to the Chief of Police or the Chief's designee.
    x. If approved, the Evidence Technician will sign the weapon over to the Firearms Examiner and list the weapons status as Converted to Firearms Reference Collection in the records management system. The ammunition will be signed over to the Firearms Examiner and listed as Converted for Test Firing, since it will be consumed.
    xi. A secure room with biometric entry and surveillance camera within the Forensic Unit area has been designated to maintain the Firearm Reference Collection. Gun racks and shelves are used to physically

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organize and store weapons and ammunition. Each firearm will be tagged with an internal tracking number and added to a digital spreadsheet which tracks the original case number and all identifiers associated with the weapon.

xii. Weapons determined to no longer be needed as part of the Firearms Reference Collection will be returned to Evidence personnel and disposed of in accordance with Utah Code 77-11a-403.

(c) Controlled Substances:

1. Controlled substances no longer needed as evidence and authorized for destruction may only be used for training or investigative purposes with the approval of the Chief of Police or the Chief's designee.

2. Controlled substances used as training aids by the K-9 unit will be handled as described in the policy regarding Controlled Substance Training Aids.

3. Employees wishing to use controlled substances for investigative or other training purposes will submit their request via the Property Conversion Form through the chain of command to the Chief of Police or the Chief's designee. The request must include the justification for the use, the employee responsible for the controlled substance(s), the quantity and type(s) of controlled substance(s) needed, how and where the controlled substance(s) will be secured when not in use, and the expected length of time of use.

4. If the request is approved, the requesting employee will weigh and test the controlled substance in the presence of the Evidence Technician. The weight and test results shall be recorded and maintained by this Department. Both the Evidence Technician and the employee receiving the controlled substance(s) will sign the evidence release form.

5. Any loss or damage to any controlled substance shall be reported immediately to the employee's immediate supervisor.

6. Upon completion of the training or investigative use, the controlled substance(s) will be returned to the Evidence Technician. The employee will weigh and test the controlled substance(s) in the presence of the Evidence Technician. The employee will complete an IDC or supplemental report explaining any discrepancy that may have occurred related to the approved use of the controlled substance(s).

(d) Explosives:

1. The Department does not maintain explosive materials in evidence and therefore does not convert explosive materials for training or investigative use.

802.5.6 SEXUAL ASSAULT EVIDENCE KITS

Written notification shall be provided to a victim of the intent to destroy or dispose of a sexual assault evidence kit or other crime scene evidence from an unsolved sexual assault case within 60 days prior to the destruction or disposal (Utah Code 77-37-3).

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802.6 INSPECTIONS AND AUDITS OF THE EVIDENCE ROOM

(a) The Evidence Supervisor, or his/her designee, shall perform an inspection to ensure adherence to procedures used for the control of property and evidence on a semi-annual basis.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) Whenever there is a change in the Evidence Unit Supervisor, a joint audit of the property and evidence will be conducted by the new Evidence Supervisor as well as a designee as directed by the Chief of Police to ensure that records are accurate and correct. This audit need not be a comprehensive review but should focus on a sampling of all areas of responsibility, especially items that may be considered high risk. The audit shall be conducted in compliance with Appendix I of the CALEA Standards Manual. This process will ensure the integrity of the evidence management system and provide accountability for evidence.

(d) An audit of property and evidence held by the Department shall be conducted annually.The audit will be conducted by a person within the Department that is not directly responsible or connected with the control of property and evidence. The audit shall be conducted in compliance with Appendix K of the CALEA Standards Manual.

(e) All property storage areas and facilities will be inspected at least semi-annually to ensure that they are being maintained in an appropriate fashion.

(f) A copy of all audits and inspections will be submitted to the Deputy Chief of the Administrative Services Bureau. Appropriate copies, as deemed necessary, will be forwarded to the Accreditation Manager for documentation purposes.

802.6.1 UNABLE TO LOCATE

If an item is not found to be in its recorded location during an audit, inventory, or the course of daily activities, the Evidence Supervisor will be notified and a second search of the location will be conducted. If the item is still not located, the following process will be required:

(a) A review of the case status and all related items of evidence for the same incident will be checked to determine if they are still being stored or if the batch has been purged.

(b) An Evidence History of the item will be reviewed to determine the last date and time it was physically handled and by whom. A full inventory of the other items handled during that same timeframe by the specific Evidence Technician will be conducted to determine if the item was misplaced during filing.

(c) A full inventory list of similar item types for the current year will be complied and a full inventory of those items will be conducted to determine if the item was misplaced during filing.

(d) Should the item still not be located, the status will be changed to UTL and the location will be changed to NONE. An IDC will be submitted by the Evidence Supervisor to include the following:

1. A description of the item and the steps taken to locate it.

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2. A reasonable explanation as to how the error may have occurred.
3. Recommendations for changes in procedure to prevent a similar error from occurring in the future. The Administrative Services Bureau Deputy Chief will then determine what, if any, further action or discipline is necessary.

802.7 EVIDENCE SECTION'S RESPONSIBILITY

The Evidence Section's primary assignments are to log, classify, store, dispense, destroy, and release property or evidence to its rightful owner, for court presentation, and/or its destruction and disposal. This also includes the following duties:

(a) Maintain evidence and store property in such a manner that individual items are secured from theft, loss, contamination, and can be located in a timely manner.

(b) Maintain property reports and proper documentation of all actions associated with the property commonly referred to as chain of custody.

(c) Ensure the timely and legally correct notification of owners for release or disposition of property recovered, found, or seized by the Department.

(d) Research case disposition to continue maintenance of evidence or disposal of property items.

(e) Coordinate the disposal of unclaimed or surplus property and the special disposal of narcotics, explosives, hazardous materials, and weapons.

(f) Release property to persons legally entitled to the property for court, disposal, or destruction.

(g) Provide an effective liaison between the Police Department and other local, state and federal agencies.

(h) Stay current with any local, state, and federal laws involving property and evidence handling.

(i) Recommend any appropriate changes required by such laws.

(j) Maintain a clean and orderly storage facility.

802.8 PHOTOGRAPHIC EVIDENCE

(a) DIGITAL PHOTOGRAPHS

1. All digital photographs will be uploaded through Evidence.com. There are no exceptions. **Digital photographs need to be submitted prior to the end of the submitting officer's shift on the day the photographs were taken unless the officer receives a supervisor's approval to do otherwise.**

(b) 35 MM OR OTHER FILM

1. 35 mm film will be submitted to Evidence in photo processing envelopes, with one roll of film per envelope. A completed property sticker will be affixed to the outside of each envelope and the envelope(s) will be placed into an evidence locker.

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2. The Evidence Unit will then submit the 35mm film to an approved processing center for processing. Photos and negatives will be picked up from the processing center in a timely manner.
3. All developed photographs and negatives will be retained by the Evidence Unit until the rules for retention have been met. This includes any and photographs taken at crime scenes.
4. If photographic prints are needed and only negatives are available, the Evidence Unit will be responsible for transporting the negatives to the processing center or scanning them into a suitable digital format.

(c) PHOTOGRAPHIC EVIDENCE FEE SCHEDULE

1. Fees for the release of photographic evidence will be set in accordance with state and local laws.

Please refer to the **West Valley City Policy Department Property Management Handbook** under Film/Photographs and Digital Imaging for more information on processing photographic evidence. A hard copy of the handbook is available in the evidence intake area, and electronic copies are available on the Department OneDrive under the Evidence Guides folder.

802.8.1 RELEASE OF PHOTOGRAPHIC EVIDENCE AND AUDIO RECORDINGS

(a) Release of photographic or audio evidence to persons within the West Valley City Police Department, City Attorney's office, or other governmental entities who have a legitimate requirement for the photographic evidence, shall be conducted through the following procedure:

1. Police officers/City attorneys may have access to the digital evidence in Evidence.com for investigations they are actively working on in an official capacity. Evidence.com will track via the audit logs of all activity to include but not limited to, downloading, sharing, and viewing of each piece of digital evidence. Random audits of digital evidence being viewed will be conducted by their immediate supervisors.
2. If the photographs are from 35 mm film, the requester must allow a minimum of two (2) days' time for processing. Negatives will be submitted to the approved processing center for printing and the requester will be contacted when the prints are returned to the Evidence Unit. The negatives will remain in evidence and only prints will be checked out or released. The request will be documented in the records management system evidence screen. The requestor will be required to sign a Chain of Custody Release Form.

(b) Other government entities must request photographs, whether digital or 35 mm, in written form. The officer assigned as case agent will handle all requests from the District Attorney's Office. The District Attorney's Office requests will be forwarded to the case agent and will be noted in the records management system. For other government requests, once the photographs or CD is available, the requestor will be contacted to pick up the photographs at the lobby of the Public Safety Building or the photographs or CD may be sent via certified mail or by other digital means to include

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utilizing a secure download link, Evidence.com case sharing, or digitally downloading the evidence on a portable hard drive and hand delivering it to the appropriate entity.

(c) Release of photographic or audio evidence to private parties (involved individuals, private attorneys, etc.), shall be requested, in writing, through the Records Section.

1. The Records Section will determine if the photos or audio recordings are available and determine the necessary fees according to the fee schedule.
2. The Records Section will collect and verify that all necessary fees are paid prior to forwarding the request to the Evidence Unit.
3. The Evidence Unit will obtain release permissions for the requested images or audio recordings.
4. The requestor will have the option to receive a copy of the files through a secure email link in evidence.com, on a CD or as 35mm prints. The physical copies can be picked up in person at the Records counter in the lobby or sent through certified mail.
5. If a records request for a photograph or audio is denied for some reason, a denial letter signed by the City Recorder will be sent to the requestor. The letter shall contain a description of the record denied, the legal basis upon which the Evidence Technician relied in denying the request, and information related to the appeal process available to the requester. An entry by an Evidence Technician will be made into the GRAMA Management System explaining the reason for the denial.

802.9 ADMITTANCE TO EVIDENCE ROOM

(a) Purpose: To establish a policy for the security of the evidence areas, in order to maintain evidence integrity and control.

(b) Policy:

1. All evidence items awaiting disposition, trial, or appeal will remain secured in the Evidence Room. An entry into the records management system will be made to differentiate the hold period for these particular types of property.
2. Admittance to the Evidence Rooms should be restricted to the Evidence Technicians, the Evidence Supervisor, and others specifically designated by the Chief of Police. All other individuals entering the Evidence Rooms require escort and an Evidence Room Access log entry shall be made indicating:
    (a) Date and time of entry and exit.
    (b) Name and ID of individual(s) entering the Evidence Room(s).
    (c) Valid reason for entry.
    (d) Name and badge number of escort.
    (e) Signature of escort and individual entering Evidence Room(s).
3. The Evidence Room(s) area will be kept locked and secured at all times.

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Computers and Digital Evidence

803.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure, search and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done in compliance with clearly established Fourth Amendment and search and seizure provisions.

803.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and therefore they should utilize the most knowledgeable available resources. When possible, this includes enlisting the help of a computer forensics examiner, who will use the latest industry accepted techniques to preserve the evidence when conducting the search.

When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external memory drive) with care so that potential evidence is not lost.

(g) Store all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.

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4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories that do not have data storage capacity (monitors, mouse, keyboard, cables, some software and manuals)should not be seized unless as a precursor to forfeiture.

803.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

803.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of a digital storage device is required, the officer will forward the following items to a forensic examiner or persons trained in the preservation and examination of digital media:

(a) Copy of report(s) detailing how the computer was used in criminal activities. Also include the Evidence/Property sheet.

(b) Copy of a "consent to search form" signed by the property owner or the person in possession of the property, or a copy of a search warrant authorizing the search of the property for evidence relating to the investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

803.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy disc, CD, DVD, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission to a forensic examiner or persons trained in the preservation and examination of digital media. If the information is needed for immediate investigation, document all actions taken and use a write-blocking device if feasible.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.

(e) Use cases designed to protect the media, or other protective packaging, to prevent damage.

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803.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device, which includes messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic examiner or persons trained in the preservation and examination of digital media. Evidence can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) When feasible, the device should be placed in a Faraday shielding bag to prevent the device from sending or receiving information. If a Faraday shielding bag isn't available, the device should be put in "airplane" mode, both WiFi and Bluetooth should be disabled, then the device powered off. In exigent circumstances where data needs to be acquired as soon as possible, leave the device powered on and contact a forensic examiner, or person trained in the preservation and examination of digital media.

(c) The passcode should be attached to the device when possible.

(d) When seizing the devices, also seize the charging units if possible.

803.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

803.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

803.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

AUDIO RECORDINGS

All audio recordings will be uploaded through Evidence.com. Audio recordings should be uploaded prior to the end of the submitting officer's shift on which the recording was taken, unless the submitting officer has supervisory permission to do otherwise.

(a) Each submission will be given a case number by the submitting officer, which should be documented in the officer's initial report.

(b) Items will be uploaded to Evidence.com by the person in possession of the item.

(c) If the audio recording is not in digital form, or for some other reason cannot be uploaded to Evidence.com, it may be booked into the Evidence Room in an envelope with a completed evidence tag attached. It will then be accessible to be checked out and/or copied as needed.

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VIDEO RECORDINGS

All video recordings will be booked into Evidence in an envelope with a completed evidence tag attached.

803.5.3 PRESERVATION OF DIGITAL EVIDENCE

Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Records Section

804.1 POLICY

It is the policy of the West Valley City Police Department to maintain Department records securely, professionally, and efficiently.

(a) Access to the Records Section will be limited to the following:

1. Police Department employees, on official business and as authorized by the Records Section Supervisor, or Senior Records Clerk on duty.
2. Visitors, with approval of the Section Commander or Records Supervisor, who is accompanied by a police employee.
3. Maintenance and support personnel with card reader access.

(b) Control of access to police reports.

1. File copies of reports will be controlled in the following manner:

(a) Only Records Section personnel will have access to police reports. Officers will not be allowed to access the original police reports.

804.2 DEFINITION

Invisible Condition - a physical or mental condition that may interfere with an individual's ability to communicate with a first responder, including: a communication impediment, hearing loss, blindness or a visual impairment, autism spectrum disorder, a drug allergy, Alzheimer's disease or dementia, post-traumatic stress disorder, traumatic brain injury, schizophrenia, epilepsy, a developmental disability, Down syndrome, diabetes, a heart condition, or any other condition approved by the Department. (Utah State Code 53-3-207)

804.3 PURPOSE AND SCOPE

To establish policy and procedures for the maintenance of security for the Records area to prevent the unauthorized release of information or disruption of Records Section activities.

The Records Director shall maintain the Records Section Policy Manual on a current basis to reflect the procedures being followed within the Records Section. Policies that apply to all employees of this section are contained in this chapter.

804.3.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year preceded by an agency identifier assigned to The West Valley City Police Department, WV, followed by a four-digit sequential number beginning with 0001 starting at midnight on the first day of January of each year. As an example, case number WV22-0001 would be the first new case beginning January 1, 2022.

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The Department also accepts reports directly from citizens via an electronic reporting system. Reports received electronically will follow the same formatting as above, commencing with the last two digits of the current year preceded by the agency identifier WV.

804.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police Department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Watch Commander.

West Valley City Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with Department policy and with a legitimate law enforcement or business purpose, or as otherwise permissible by law.

804.5 INVISIBLE CONDITION ALERT PROGRAM

(a) Upon receipt of a completed Invisible Condition Alert form, created by the Department of Public Safety, the West Valley City Police Department shall enter information into the law enforcement record management system or computer-aided dispatch system regarding the individual's election to disclose the individual's invisible condition, including the individual's: (a) name; (b) residence; and (c) invisible condition as reported by the individual and verified by the individual's health care professional.

(b) The West Valley City Police Department shall ensure that the information is readily available to a dispatcher when the dispatcher receives a report concerning the name or the address of an individual with an invisible condition.

(c) The West Valley City Police Department shall remove the information, regarding the individual's invisible condition, within 30 days after receiving a written request from the individual or the individual's guardian.

(d) If the West Valley City Police Department becomes aware that the individual has permanently moved from the individual's residence, the information regarding the individual's invisible condition may be removed. (Utah Code 53-3-207)

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Records Maintenance and Release

805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Department records. Protected information is covered separately in the Protected Information policy.

805.2 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Department member who receives a request for any record shall route the request to the Records Officer or the authorized designee.

805.2.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) The Department is not required to create records that do not exist.

(b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions.
2. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the Department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(c) Requests for records must be in writing and contain the requester's name, contact information, and a description of the record requested (Utah Code 63G-2-204).

(d) The Records Officer shall review each request for records within 10 business days unless the person has requested an expedited response. Expedited requests must be reviewed within five business days (Utah Code 63G-2-204).

(e) Unless the Records Officer is prohibited by law from releasing the requested record, or extraordinary circumstances as defined in Utah Code 63G-2-204 or other exception exists, the record shall be released (Utah Code 63G-2-201).

1. If the existence of extraordinary circumstances precludes approval or denial of the request within the time permitted under law, additional time may be granted.
2. A request made by or on behalf of a person on parole, or in jail or another correctional facility following a conviction, may be denied unless it is submitted by an attorney of that person or is one of their first five requests submitted during a calendar year requesting only a record that contains a specific reference to that person (Utah Code 63G-2-201).

(f) If the Records Officer denies a request, a notice of denial shall be sent to the requester. The notice shall contain a description of the record denied, the legal basis upon which

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the Records Officer relied in denying the request, and information related to the appeal process available to the requester (Utah Code 63G-2-205).

805.3 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any Department record, including traffic accident reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; Utah Code 53-3-109; Utah Code 41-6a-404).

(b) Victim information that may be protected by statutes (Utah Code 77-37-4; Utah Code 77-38-6).

(c) Personnel records (Utah Code 63A-19-408; Utah Code 63G-2-302).

1. Specific personnel information related to undercover officers or investigative personnel is exempt from disclosure if release could reasonably impair the effectiveness of investigations or endanger any individual's safety (Utah Code 63G-2-301).

(d) Properly classified records that contain medical, psychiatric, or psychological data about a person if release would be detrimental to the person's mental health or safety, or would violate normal professional practice and medical ethics (Utah Code 63G-2-304).

(e) Records created exclusively in anticipation of potential litigation involving this Department (Utah Code 63G-2-305).

(f) Automated license plate reader (ALPR) data (Utah Code 41-6a-2004).

(g) Imaging surveillance data (Utah Code 77-23d-105).

(h) Certain types of reports involving but not limited to child abuse and neglect (Utah Code 80-2-1005).

(i) Certain audio and video recordings created by a body-worn camera that recorded sound or images:

1. Inside a home or residence (Utah Code 63G-2-302; Utah Code 77-7a-107).

2. Inside a hospital or health care facility, inside a clinic of a health care provider, or inside a human service program (Utah Code 63G-2-305).

(j) Certain data collected by an unmanned aerial system (Utah Code 72-10-803).

(k) Data, other than certain statistical information, relating to facial recognition comparisons conducted against a government image database (Utah Code 77-23e-106).

(l) Any other information that may be appropriately denied by:

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1. Utah Code 63A-19-408 (private information of government employees).
2. Utah Code 63G-2-302 (private records).
3. Utah Code 63G-2-304 (controlled records).
4. Utah Code 63G-2-305 (protected records).

805.3.1 GENERAL CASE AND CRIME REPORTS

Every person has the right to inspect a public record, and take a copy of a public record (including initial police reports), unless access is restricted pursuant to court rule or the report is described in Utah Code 63G-2-302, 63G-2-303, 63G-2-304 and 63G-2-305.

805.3.2 ARREST REPORTS

(a) Arrestee information shall be subject to release in the same manner as information contained in other reports, as set forth above.

(b) In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the appropriate City attorney.

(c) Criminal history information including, but not limited to, arrest history and disposition, fingerprints, and booking photos obtained from the state criminal history database shall only be subject to release to those agencies and individuals as allowed by law.

805.3.3 TRAFFIC COLLISION REPORTS

Traffic collision reports, upon request, shall be disclosed to (Utah Code 41-6a-404(3)):

(a) A person involved in the accident, excluding a witness to the accident.

(b) A person suffering loss or injury in the accident.

(c) An agent, parent, or legal guardian of the above, as set forth in Utah Code 41-6a-404(3)(a).

(d) A law enforcement agency.

(e) The media, restricted to release of the following information:

1. The name, age, gender, and city of residence of each person involved in the accident.
2. The make, model, and year of each vehicle involved in the accident.
3. Whether or not each involved person was covered by vehicle insurance.
4. The location of the accident.
5. A description of the accident.

805.3.4 PERSONNEL RECORDS

(a) Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Utah Code 63G-2-302).

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(b) Records of peace officer personnel, both current and former, are deemed confidential and protected (Utah Code 63G-2-302 and 63G-2-303) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

(c) The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

805.3.5 AUTOMATED LICENSE PLATE READER (ALPR) RECORDS

ALPR data shall not be made public except as provided by a disclosure order, a search warrant, or other court order.

805.4 RELEASE OF RECORDINGS RELATED TO CRITICAL INCIDENTS

(a) Video and audio recordings made by officers of this Department of incidents that resulted in death or serious bodily injury of an individual, or during which an officer fired a weapon, shall be released upon receipt of a proper public records request.

(b) The Records Officer should coordinate as appropriate with the Chief of Police or the prosecuting agency to determine which recordings may qualify for disclosure when a request for a recording is received (Utah Code 77-7a-107).

805.5 OTHER RECORDS

(a) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law.

(b) Any record which was created exclusively in anticipation of potential litigation involving the Department shall not be subject to public disclosure (Utah Code 63G-2-305(9)).

(c) Release of general and investigative reports of child abuse or suspected child abuse may only be disclosed pursuant to law (Utah Code 80-2-1005, Utah Code 63G-2-305(59) and Utah Code 77-37-4(5)).

805.5.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use, or disclose personal identifying information including an individual's photograph, social security number, driver identification number, name, address, telephone number, or the individual's medical or disability information which is contained in any driver license record, motor vehicle record, or any Department record except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

805.6 SUBPOENAS AND DISCOVERY REQUESTS

(a) Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Records Officer for review and processing. While a subpoena duces tecum may ultimately compel compliance, it is not an order from the court that will automatically require the release of the requested information.

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(b) Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney, or the courts.

(c) All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

805.7 RELEASED RECORDS TO BE MARKED

(a) Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Department name and to whom the record was released.

(b) Each audio/video recording released should include the Department name and to whom the record was released.

805.8 EXPUNGEMENT

(a) Expungement orders received by the Department shall be reviewed for appropriate action by the Records Officer. The Records Officer shall expunge such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once expunged, members shall respond to any inquiry as though the record did not exist.

(b) The Records Officer shall provide written confirmation that all records have been expunged by the Department to the individual receiving the expungement if requested (Utah Code 77-40a-401).

(c) Upon receiving an order for vacatur, the Records Officer shall comply with the provisions of Utah Code 77-40a-402.

805.9 DATA SECURITY

(a) Department members who become aware that any Department system containing personal information may have been breached should notify the Records Officer as soon as practicable.

(b) If a data breach occurs, the Utah Cyber Center and Attorney General should be notified, and an internal incident report should be prepared, when required by Utah Code 63A-19-405. A notice of a data breach reported to the Cyber Center should indicate whether the breach involved technology, software, or services from a foreign adversary (Utah Code 63A-16-1302).

(c) Notice should be provided to individuals affected by the data breach when appropriate pursuant to Utah Code 63A-19-406.

805.10 TRAINING

The Records Section Director shall, on an annual basis, successfully complete an online records management training course provided by the Utah Department of Administrative Services' Division of Archives and Records Service (Utah Code 63G-2-108).

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Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the West Valley City Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

806.2 AUTHORITY

This policy is established pursuant to Utah Code 53-10-108 which delineates restrictions on access, use, and contents for UCJIS records and penalties for improper use.

806.3 DEFINITIONS

UCJIS Information – shall include all of the information acquired from any file accessed in UCJIS and any Department documents containing this information. These files include information from the Driver License Division (DLD). Motor Vehicle Division (MVD), Utah Computerized Criminal History (UCCH), Statewide Warrants (SWW), National Law Enforcement Telecommunications System, Interstate Identification Index (III), or National Crime Information Center (NCIC) databases.

Criminal History Record Information – means information on individuals consisting of identifiable descriptions and notations of:

(a) Arrests, detentions, indictments, informations, or other formal criminal charges; and

(b) Sentencing, correctional supervision, or release, and any Department documents containing a list of prior arrests.

Criminal Justice Agency – Means courts or a government agency or a subdivision of a government agency that administers criminal justice under a statute, executive order, or local ordinance and that allocates greater than 50% of its annual budget to the administration of criminal justice.

806.4 UCJIS CRIMINAL HISTORY OR WARRANT OF ARREST INFORMATION

As a general rule, dissemination of information from a criminal history record or warrant of arrest information from UCJIS files is limited to criminal justice agencies for purposes of administration of criminal justice, and for employment screening by criminal justice agencies.

Any criminal history record information obtained may only be used for the purposes for which it was provided and may not be further disseminated.

Utah Code 53-10-108(2)(a) through (h) describes all circumstances under which there is authorization to disseminate criminal history records or warrant of arrest information. Persons not included in this statute, or authorized by the Commissioner of Public Safety, are not authorized recipients and shall not receive UCJIS information.

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806.4.1 TERMINAL AGENCY COORDINATOR (TAC)
A Records Supervisor is the designated Terminal Agency Coordinator (TAC) for the West Valley City Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The TAC will resolve specific questions that arise regarding authorized recipients of UCJIS information.

806.4.2 RELEASE OF UCJIS INFORMATION TO CITIZENS
Only the persons listed below are authorized to release UCJIS information to citizens. Each authorized person releasing UCJIS information is responsible to ensure that each request granted appears legitimate and that the requestor is an authorized recipient with a right and need to know.

(a) Terminal Agency Coordinator (TAC).

(b) Records Supervisor.

(c) Full-time employees of the Records Section.

(d) Personnel specifically designated in writing by section commanders with the concurrence of the TAC.

806.5 JUVENILE RECORDS
Members of this Department shall not generate a hard copy (printed or electronic) of a juvenile's rap sheet or record summary.

806.6 RIGHT OF ACCESS REQUESTS
Utah Code 53-10-108(9)(a) requires the Commissioner of Public Safety to establish procedures to allow an individual right of access to review and receive a copy of the individual's criminal history report.

Utah Code 53-10-108(9)(c) requires the Commissioner of Public Safety to establish a procedure to allow an individual to challenge the completeness and accuracy of their criminal history record information.

806.6.1 PURPOSE FOR RIGHT OF ACCESS REQUESTS
To establish guidelines for dissemination of UCJIS criminal history information to persons requesting their own records.

806.6.2 POLICY FOR RIGHT OF ACCESS REQUESTS
It is the policy of the West Valley City Police Department to release a printed copy of a UCJIS criminal history record to the subject of the record upon his/her request.

806.6.3 PROCEDURE FOR RIGHT OF ACCESS REQUESTS

(a) Citizen application process:

1. The person requesting a copy of his/her own criminal history record must appear in person. The person must complete and sign an application and waiver of liability in the presence of a West Valley City Police Department employee.

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2. The person must provide valid photo identification, i.e., driver's license, state identification card, military identification card, passport, alien registration card, or government identification card. (This does not include a Utah Driving Privilege Card or any other government-issued identification that specifically states that it is not to be used for identification purposes.)

(b) Right of Access purpose code:

1. "P" will be used for the purpose code when running any Right of Access request. Only Utah Criminal Histories will be inquired upon. Triple "I" and/or NLETS will not be accessed at any time when running Right of Access requests.

(c) Dissemination of Utah Computerized Criminal History record for Right of Access to any requestor:

1. A photocopy of the requesting person's valid identification, West Valley City Police Department's application, waiver of liability, and receipt of payment will be attached together and filed in the dissemination log file created for each year. These forms will be retained for a period of three years.

2. Each printed page of the record will be stamped and dated. The stamp will indicate that the record was not verified with fingerprints and was valid as of the date printed, making the record outdated daily.

3. The requesting person will be advised that any incorrect or missing data must be taken to the Utah Bureau of Criminal Identification (BCI) for correction.

(d) Any person receiving a Utah Computerized Criminal History report through the West Valley City Police Department will be charged a fee for Right of Access information.

(e) Misuse of Utah Computerized Criminal History / Right of Access information:

1. The West Valley City Police Department will conduct an investigation regarding any complaint or allegation filed involving the misuse of the criminal history files / Right of Access information. The Commissioner of Public Safety and the Director of the Utah Bureau of Criminal Identification will also be notified upon the discovery of misuse of UCJIS.

2. Any West Valley City Police Department employee found to be in violation of any policy relating to the Utah Computerized Criminal History / Right of Access information may be disciplined according to this policy.

806.7 PROTECTION OF UCJIS INFORMATION

UCJIS information stored in the Records Section or elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to UCJIS information stored in the Records Section shall be restricted to the Records Section personnel authorized to release it.

806.7.1 COMPUTER TERMINAL SECURITY

No employee shall be authorized to operate computer terminal equipment with access to UCJIS information until the operator has completed the appropriate training.

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Employees should take all reasonable steps to prevent unauthorized access to UCJIS information from any Departmental terminal.

806.7.2 DESTRUCTION OF UCJIS INFORMATION

When any document providing UCJIS information has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the UCJIS documents they receive.

806.7.3 MOBILE DEVICE MANAGEMENT

The West Valley City Information Technology (IT) Department supports the Mobile Device Management (MDM) service to enforce the UCJIS technology standards.

Employees are responsible for ensuring all mobile devices used for Department business are MDM compliant.

806.8 TRAINING PROGRAM

All personnel authorized to access and disseminate UCJIS information shall be required to complete a training program prescribed by the TAC. Departmental TACs shall coordinate the course to provide training in the proper use, control, and dissemination of UCJIS information.

806.8.1 USER TESTING AGREEMENT

Members of this Department requiring access to UCJIS to adequately perform their job function shall submit to a Bureau of Criminal Identification (BCI) background check. They shall also be trained and tested in proficiency to receive a LOGIN ID. Members shall retrain and retest every two years.

(a) Each employee shall be held accountable for the information run on their LOGIN ID.

(b) Employees will not share, post, or otherwise divulge access codes and passwords.

806.8.2 DATA PRIVACY TRAINING

All members with access to personal data retained by the Department shall complete data privacy training within 30 days of beginning employment and annually thereafter (Utah Code 63A-19-401.2).

806.9 PENALTIES FOR MISUSE OF UCJIS

It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by UCJIS, or information contained in a record created, maintained, or to which access is granted by UCJIS for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity. (Utah Code 53-10-108(12)(a)). There is also a potential for civil action.

Inquiring into any of the UCJIS files is NOT permitted for the following purposes: curiosity and personal inquiries, employment for other than criminal justice, business licenses, military recruiters, citizen advisory boards, or peer support. (UCJIS Basics 7.0 Misuse of UCJIS Information)

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Protected Information

Any person who discovers or becomes aware of any unauthorized use of UCJIS information shall notify their supervisor immediately.

Misuse of UCJIS information by an employee could result in the loss of State computer access for the entire agency.

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Expungements

807.1 PURPOSE AND SCOPE

This policy provides systematic and proper guidelines for the Records Section and the Evidence Section related to the execution of Court Ordered Expungements. This policy is subject to changing Utah State Laws and the State of Utah Records Retention Schedules.

807.2 RECORDS PROCEDURE

(a) The petitioner of a request for a record expungement is responsible for delivering a copy of the approved court order to all affected agencies. Expungement orders received by the West Valley City Police Department shall be reviewed for appropriate action by a Records Section supervisor. An order of expungement shall not restrict the use or dissemination of records until the West Valley City Police Department has received a copy of the signed order.

(b) Juvenile expungements will be completed the same as adult expungements, unless otherwise specified by the Expungement Order.

(c) All Expungement Orders will be completed within ten (10) days of receipt. Upon receipt of the Expungement Order, the employee responsible for this assignment will make a copy of the Order and place it into the Evidence box. The employee will also send an email making notification of the Expungement Order to the Evidence supervisor. If there is evidence associated with the case, the Evidence Department will begin their own expungement process in accordance with the applicable policy.

(d) The Records Section Expungement Checklist will be started and followed to ensure all steps are completed throughout the expungement procedure.

(e) The Records Section Expungement Log will be kept to record all expungements. The log will include the name, as listed in the Expungement Order, the case number(s), indication of "Adult" or "Juvenile" and the date completed. Records will utilize the State of Utah's Retention Schedule. The State of Utah mirrors the Statute of Limitations for felonies and misdemeanors.

(f) The assigned Records employee will remove the specified records from all computer applications (the RMIS system, Sire and the Chief's System) including; all written, electronic, recorded or photographed documentation.

(g) The expunged records from all computer applications, including the RMIS system, will be copied and placed into a 10 x 13 envelope. Once the pertinent records to be removed are copied, the records will be deleted. The Expungement Order will be affixed to the exterior of the envelope. If the Statute of Limitations has run out for a case being expunged, all documents will be destroyed and the appropriate entry will be made in the Expungement Log.

807.3 EVIDENCE PROCEDURE

All Evidence expungements are to be completed within five (5) working days after receipt of the Expungement Order from the Records Section. The Expungement Order will be added to the Evidence Expungement Log. The Expungement Log will be kept to record all expungements and

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will include the date the request was received, the case number, name, date of birth, adult or juvenile, and the particular system the evidence to be expunged came from.

The assigned Evidence Technician will review all computer systems for any possible related evidentiary items. Any evidentiary items located will be printed and or transferred to a DVD/CD and the original in the system will be deleted. Any physical evidence will be photographed and placed on a DVD/CD. The evidence tag associated with that particular piece of evidence will be marked with **EXP/DESTROY**. The evidentiary item will then be eligible for destruction.

Upon completion of this process, copies of the evidentiary items, including DVDs/CDs and the Evidence Checklist will be sent to the Records Section employee in charge of expungements to complete the closure of the case.

807.4 FINALIZATION

When the Records Section has received the Expungement File from Evidence, the 10 x 13 envelope utilized by Records, will be sealed and the seal will be signed and dated by the Records employee handling the case. The case will then be filed, in the Expungement Wall File, alphabetically. **The sealed file can only be re-opened with the receipt of a signed and valid Court Order!**

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Drug Collection Disposal Program

808.1 PURPOSE AND SCOPE

To establish a procedure for collecting and disposing of unwanted prescription drugs from citizens.

808.2 PROCEDURE

(a) The drug collection and disposal program provides a safe disposal location for citizens to properly dispose of unused prescription medications.

1. This program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems which may later negatively affect the environment.
2. This program encourages citizens to remove their unneeded medications from their homes. This reduces access to addictive medications for accidental or intentional misuse by children in the home.

(a) A steel mailbox-style collection box will be provided in which citizens may deposit these medications.

1. Collection boxes shall be clearly marked for this purpose
2. Collection boxes shall be locked and securely mounted to prohibit removal of the box or retrieval of medications from within the box without a key.
3. Citizens may place their unused medications/drugs into the collection box anonymously.
4. Medications can be placed into plastic bags provided at the drop location or place the entire prescription bottle into the drop box.
5. Syringes or sharps of any kind will not be accepted. Instructions for disposal of these items will be posted on the drop box to assist the public.
6. Opened containers of liquid will not be accepted unless they are completely sealed.

(b) The Evidence Unit will be responsible for collection of the deposited medications.

1. The Evidence Unit will be the sole possessors of keys to the collection boxes.
    i. City Employees, to include police officers, will not have access to the contents of the collection boxes.
2. A case number will be assigned to the collection box annually. The Evidence Unit will document each collection in a supplemental report. This allows for tracking of data to monitor the program's benefits.
3. The Evidence Unit will collect the deposited drugs on a frequency deemed necessary based on the location and usage, but at least on a monthly basis.
4. The Evidence Unit will bag the deposited drugs, document a general description of the contents, provide a weight of the contents, and place them into evidence pending destruction.

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5. Two persons from the Evidence Unit will be present during the collection, weighing, and storage of the drugs.
6. The Evidence Unit will destroy the collected medications in accordance with Federal and State statutes by incineration through a contracted provider of this service.

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