

CHIEF MARSHAL'S PREFACE

I would like to welcome you to the Marshal's Office and to remind you that the profession of a Peace Officer is one of the most noble of all professions, and this noble profession demands the noblest of character.

"No one is compelled to choose the profession of a police officer; but having chosen it, everyone is obligated to perform its duties and live up to the high standards of its requirements."

President Calvin Coolidge

The Marshal's Office is dedicated to preserving, respecting, upholding, and defending the Constitution and the individual rights of all, regardless of race, ethnicity, national origin, gender, disability, age, sexual orientation, or gender identity, and enhancing the quality of life in our community. As a Peace Officer for the Marshal's Office, you are also dedicated to this and expected to serve the community with courage, compassion, and integrity with a devotion to professionalism in Public Safety, Public Service, and Public Trust. If you do this, you cannot help but take pride in such a noble profession.

Respectfully

Chief Marshal, Hildale/Colorado City Marshal's Office

CCPD

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.

MISSION STATEMENT

The mission of the Colorado City Marshal's Office is to serve the Colorado City, Arizona and Hildale, Utah communities with courtesy, professionalism, and excellence. Our vision is to make the Colorado City Marshal's Office the best law enforcement agency in the region. We are dedicated to enforcing the law while respecting and, upholding, the Constitution and the individual rights of all. We will protect the life and property of all people, maintain public order, and foster a mutual, supportive, and trusting partnership with the communities we serve through Integrity in Public Safety and, Public Service.

Values

Integrity

Public Safety

Public Service

Public Trust

Table of Contents

Chief Marshal's Preface	1
Law Enforcement Code of Ethics	2
Mission Statement	3
Chapter 1 - Law Enforcement Role and Authority	8
100 - Law Enforcement Authority	9
101 - Chief Executive Officer	12
102 - Oath of Office	13
103 - Policy Manual	14
Chapter 2 - Organization and Administration	17
200 - Organizational Structure and Responsibility	18
202 - General Order and Special Orders	20
203 - Emergency Operations Plan	21
204 - Training	22
205 - Electronic Mail	27
206 - Administrative Communications	29
208 - Supervision Staffing Levels	30
209 - Retired Deputy Carrying Concealed Weapons	31
Chapter 3 - General Operations	33
300 - Use of Force	34
301 - Use of Force Review Boards	42
302 - Handcuffing and Restraints	45
303 - Control Devices and Techniques	50
304 - Conducted Energy Device	53
305 - Officer-Involved Shootings and Deaths	60
306 - Firearms	69
307 - Vehicle Pursuits	78
308 - Foot Pursuits	90
309 - Deputy Response to Calls	94
310 - Canines	98
311 - Domestic Violence	107
312 - Search and Seizure	114
313 - Temporary Custody of Juveniles	120
314 - Adult Abuse	129
315 - Discriminatory Harassment	135
317 - Child Abuse	140
318 - Missing Persons	148
319 - Public Alerts	154
320 - Victim and Witness Assistance	162
321 - Hate or Prejudice Crimes	165

CCPD

Colorado City/Hildale PD Policy Manual

322 - Standards of Conduct	169
323 - Information Technology Use	176
324 - Office Use of Social Media	179
325 - Report Preparation	182
326 - Media Relations	185
327 - Subpoenas and Court Appearances	188
328 - Reserve Deputies	191
329 - Outside Agency Assistance	196
331 - Registered Offender Information	198
332 - Major Incident Notification	204
333 - Death Investigation	206
334 - Identity Theft	210
335 - Private Persons Arrests	212
338 - Limited English Proficiency Services	215
339 - Communications with Persons with Disabilities	223
340 - School Employee Arrest Reporting	232
341 - Pupil Arrest Reporting	233
343 - Biological Samples	234
347 - Public Safety Video Surveillance System	236
348 - Child and Dependent Adult Safety	240
349 - Service Animals	244
352 - Volunteer Program	246
354 - Native American Graves Protection and Repatriation	253
355 - Off-Duty Law Enforcement Actions	255
356 - Community Relations	257
Chapter 4 - Patrol Operations	262
400 - Patrol Function	263
401 - Bias-Based Policing	267
403 - Crime and Disaster Scene Integrity	270
404 - Special Weapons and Tactics Team	272
406 - Ride-Along Policy	274
407 - Hazardous Material Response	277
408 - Hostage and Barricade Incidents	279
409 - Response to Bomb Calls	284
410 - Crisis Intervention Incidents	289
411 - Civil Commitments	296
412 - Citation Releases	300
413 - Diplomatic and Consular Contacts	302
415 - Rapid Response and Deployment	306
416 - Immigration Violations	309
418 - Field Training Officer Program	314
419 - Aircraft Accidents	318
421 - Obtaining Air Support Assistance	321
422 - Contacts and Temporary Detentions	322
423 - Criminal Intelligence Systems	326
424 - Sergeants	330

CCPD

Colorado City/Hildale PD Policy Manual

426 - Mobile Audio Video	331
427 - Mobile Data Terminal Use	337
428 - Portable Audio/Video Recorders	340
429 - Public Recording of Law Enforcement Activity	350
430 - Medical Marijuana	354
432 - Homeless Persons	359
435 - First Amendment Assemblies	362
436 - Civil Disputes	368
437 - Suspicious Activity Reporting	371
438 - Medical Aid and Response	373
Chapter 5 - Traffic Operations	378
500 - Traffic Function and Responsibility	379
501 - Traffic Collision Response and Reporting	382
502 - Vehicle Towing and Release Policy	386
503 - Vehicle Impound Hearings	390
504 - Impaired Driving	392
505 - Traffic Citations	399
506 - Disabled Vehicles	401
507 - Abandoned Vehicle Violations	402
Chapter 6 - Investigation Operations	404
600 - Investigation and Prosecution	405
601 - Sexual Assault Investigations	410
602 - Asset Forfeiture	416
603 - Informants	424
604 - Eyewitness Identification	429
605 - Brady Material Disclosure	433
606 - Unmanned Aerial System (UAS) Operations	437
608 - Arrest and Search Warrant Service	440
609 - Operations Planning and Deconfliction	446
610 - Pawn Shop Holds	452
Chapter 7 - Equipment	454
700 - Office-Owned and Personal Property	455
701 - Personal Communication Devices	458
702 - Vehicle Maintenance	462
703 - Vehicle Use	464
705 - Personal Protective Equipment	470
Chapter 8 - Support Services	475
800 - Crime Analysis	476
801 - Communication/Dispatch Center	477
803 - Evidence Room	483
804 - Records Section	494
805 - Records Maintenance and Release	497
806 - Protected Information	503

CCPD

Colorado City/Hildale PD Policy Manual

807 - Animal Control	508
809 - Jeanne Clery Campus Security Act	511
Chapter 9 - Custody	516
901 - Custodial Searches	517
Chapter 10 - Personnel	523
1000 - Recruitment and Selection	524
1001 - Evaluation of Employees	530
1002 - Special Assignments and Promotions	533
1004 - Grievances	535
1005 - Anti-Retaliation	538
1007 - Reporting of Employee Convictions	542
1008 - Drug- and Alcohol-Free Workplace	544
1010 - Sick Leave	548
1013 - Communicable Diseases	550
1014 - Smoking and Tobacco Use	555
1015 - Personnel Complaints	556
1016 - Seat Belts	570
1017 - Body Armor	572
1018 - Personnel Records	574
1019 - Request for Change of Assignment	579
1021 - Commendations and Awards	580
1023 - Fitness for Duty	582
1025 - Meal Periods and Breaks	585
1027 - Lactation Breaks	586
1028 - Payroll Records	588
1030 - Overtime Compensation Requests	589
1032 - Outside Employment	591
1033 - Personal Appearance Standards	595
1034 - Uniform Regulations	597
1037 - Office Badges	603
1040 - Employee Speech, Expression and Social Networking	604
1043 - Line-of-Duty Deaths	609
1044 - Wellness Program	620
Attachments	

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of members of the CCPD to perform their function based on established legal authority. It is the responsibility of every deputy of the CCMO to know and understand the laws of both Arizona and Utah that pertain to their responsibilities as a Peace Officer.

100.2 POLICY

It is the policy of the CCPD to limit its members to only exercise the authority granted to them by law.

While this office recognizes the power of peace officers to make arrests and take other enforcement action, deputies are encouraged to use sound discretion in the enforcement of the law. This office does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Certified members of this office are authorized to exercise peace officer powers pursuant to applicable state law (AAC § R13-4-103; ARS § 1-215(28); ARS § 13-105(29); ARS § 41-1823).

The authority of a certified peace officer extends to any place in the State of Arizona (ARS § 13-3871 et seq.) as follows:

- (a) Where he/she has the prior consent of the Chief of Police, Marshal, Sheriff, other department or agency head or a duly authorized representative having responsibility for law enforcement within the jurisdiction or territory.
- (b) Where he/she has probable cause to believe (ARS § 13-3883):
 1. A felony has been committed and probable cause to believe the person to be arrested has committed the felony.
 2. A misdemeanor has been committed in his/her presence and there is probable cause to believe the person committed the offense.
 3. A person was involved in a traffic accident and committed a criminal traffic violation pursuant to ARS § 28-121 immediately prior to or following the traffic accident.
 4. A misdemeanor or a petty offense has been committed and probable cause to believe the person to be arrested has committed the offense.
- (c) A peace officer may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of any traffic law committed in the officer's presence and may serve a copy of the traffic complaint for any alleged civil or criminal traffic violation.

An Indian law enforcement officer appointed by the Bureau of Indian Affairs or the governing body of an Indian tribe who meets the qualifications and training standards of the Arizona Peace Officer

Law Enforcement Authority

Standards and Training Board (AZPOST) possesses peace officer powers while engaged in the conduct of his/her employment in this state (ARS § 13-3874).

A federal peace officer who has been cross certified pursuant to ARS § 13-3875 is authorized to enforce Arizona criminal laws in counties in which the Sheriff has adopted a policy allowing cross certification.

100.3.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE COLORADO CITY/ HILDALE MARSHAL'S OFFICE

The arrest authority of deputies outside the jurisdiction of the Colorado City/ Hildale Marshals Office includes, pursuant to Utah law (see Utah Code 77-9-3):

- (a) When the deputy is in fresh pursuit of an offender for the purpose of arresting and holding the person in custody or returning the person to the jurisdiction where the offense occurred.
- (b) When the public offense has been committed in the presence of the deputy OR the deputy is participating in an investigation of criminal activity which originated in the jurisdiction of the CCMO in cooperation with the local law enforcement authority.
- (c) When called to assist peace officers of another jurisdiction.
- (d) Deputies should, when practicable, notify and receive approval from the local law enforcement authority prior to taking enforcement action.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states as applicable under interstate compacts and memorandums of understanding or mutual aid agreements in compliance with the laws of each state. Whenever a deputy makes an arrest in another state, the deputy shall take the offender to a magistrate or other proper judicial official in the county where the arrest occurred as soon as practicable. Peace officer powers may also be extended when an officer enters another state in fresh pursuit of a felony subject (ARS § 13-3831 et seq.; California Penal Code § 852 et seq.; New Mexico Code § 31-2-1 et seq.; Nevada Revised Statutes § 171.154 et seq.; Utah Code § 77-9-1 et seq.).

100.5 FEDERAL RESERVATIONS

Any federal peace officer has jurisdiction regarding federal buildings, grounds, and property pursuant to 18 USC § 13 and 40 USC § 1315.

Peace officer powers extend to Indian reservations pursuant to 18 USC § 1152 except in the following circumstances:

- (a) A crime was committed by an Indian against the person or property of another Indian.
- (b) An Indian who committed an offense has been punished by the local law of the tribe.
- (c) An Indian tribe has been granted exclusive jurisdiction by stipulation of a treaty.

A deputy of the CCPD has exclusive jurisdiction over a crime committed on Indian reservations by a non-Indian against another non-Indian absent treaty provisions to the contrary.

Law Enforcement Authority

100.6 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States, Arizona, and Utah Constitutions.

Chief Executive Officer

101.1 PURPOSE AND SCOPE

State Law mandates that all sworn officers meet specific requirement for appointment. This policy provides guidance for the appointment of the duties of the office as prescribed by state law (ARS R240 or ARS 11-4410).

Utah state law (53-6-205) mandates that all sworn officers employed after January 1, 1985 successfully complete a Utah POST Council certified academy or successfully pass a state certification examination pursuant to (Utah Code 53-6-206) and obtain POST certification, prior to being permitted to exercise peace officer powers.

101.2 POLICY

It is the policy of the CCPD that the Marshal meets the minimum standards for exercising his/her authority granted by law.

101.2.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

The Marshal of this office, as a condition of appointment, has completed the course of training prescribed by the Arizona Peace Officers Standards and Training Board (AZPOST) and shall be certified by AZPOST pursuant to AAC § R13-4-103(A), unless granted a waiver that the best interests of the law enforcement profession are served and that the public welfare and safety is not jeopardized by the waiver (AAC § R13-4-103(G)).

It is recommended that a candidate for Marshal should, as a condition of continued employment:

- (a) Be an individual of recognized executive and administrative capacity.
- (b) Be selected solely with regard to their qualifications and fitness to discharge their duties of the office.
- (c) Be of high moral character.
- (d) Be of good standing in their community of residence.

Prior to filing for the office of Marshal, any candidate shall at minimum meet the requirements of Utah Code 17-22-1.5.

A person appointed as Marshal to serve out the remainder of a vacated office shall, within 60 days after the date of appointment, complete the training and exam as required under Utah Code 17-22-1.5.

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to office members. All sworn members of the Office are sworn to uphold the federal and state constitutions and to enforce federal, state, and local laws.

102.2 POLICY

It is the policy of the CCPD that, when appropriate, office members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Office and the dedication of its members to their duties.

102.3 OATH OF OFFICE

At or before appointment or election, all deputies' of this office shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging their duties (ARS § 38-232).

Before any CCMO deputy begins his/her duties, the deputy shall take and subscribe the following oath or affirmation in addition to any other form of oath or affirmation required (ARS § 38-231):

Town of Colorado City I, (employee name) do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the States of Arizona and Utah, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of (name of office) according to the best of my ability, so help me God (or so I do affirm).

102.3.1 CODE OF ETHICS

AZ R13-4-105(e) requires a peace officer to commit to the Code of Ethics and affirm the peace officer's commitment by signing the code:

The Code of Ethics is listed at the beginning of the manual under Law Enforcement Code of Ethics

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by state law in (Utah Code 52-1-2 et seq) ARS § 38-233.

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the CCPD is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this office. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the CCPD and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the Town, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for office administrative action, training or discipline. The CCPD reserves the right to revise any policy content, in whole or in part with the approval of the Court Consultant.

103.3 AUTHORITY

The Marshal shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Marshal or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

ADOT - Arizona Department of Transportation.

AZPOST - Arizona Peace Officer Standards and Training Board.

Policy Manual

UTPOST - Utah Peace Officer Standards and Training

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

Child - Any person under the age of 18 years.

Town - The Town of Colorado City or City of Hildale.

Civilian - Employees and volunteers who are not certified peace officers.

DPS - The Arizona Department of Public Safety.

Office/CCMO - The Colorado City/Hildale Police Office .

Employee/personnel - Any person employed by the Office.

Manual - The CCPD Colorado City/Hildale Policy Manual.

Marshal - The Chief Executive Officer of the Colorado City/Hildale Marshals Office

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the CCPD, including:

- (a) Full- and part-time employees
- (b) Certified peace officers
- (c) Reserve, auxiliary deputies
- (d) Civilian employees
- (e) Volunteers

Deputy - Those employees, regardless of rank, who are certified peace officer employees of the CCPD.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace officer - An employee of the Office who is required to be certified by AZPOST/UTPOST pursuant to ARS § 41-1823(B) and AAC § R13-4-103. Utah Code 53-6. The term includes certified full-time and part-time officers who perform the duties of a peace officer.

Rank - The title of the classification held by a deputy.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Policy Manual

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other office members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., deputy-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one office member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

UAC -Utah Administrative Code (Example: UAC R728-503-10)

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the office network for viewing and printing. No changes shall be made to the manual without authorization from the Marshal or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Marshal will ensure that the Policy Manual is periodically reviewed and updated at least every six months.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each supervisor will ensure that members under his/her command are aware of any Policy Manual revision.

All office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to the Marshal, who will consider the recommendations and forward them to the consultant for approval.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Office is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

200.2 SECTIONS

The Marshal is responsible for administering and managing the CCPD. There is currently two divisions as follows:

- Patrol Section
- Communications Center

200.2.1 PATROL SECTION

The Patrol Section is commanded by the assigned Sergeant, whose primary responsibility is to provide general management, direction and control for the Patrol Section. The Patrol Section consists of Uniformed Patrol and Investigations.

200.2.2 DETECTIVE SECTION

Currently all deputies will do the investigative work on their assigned cases. They are then assigned to one of the Sergeants for further investigation and/or follow up.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Marshal exercises command over all personnel in the Office. During planned absences, the Marshal will assign a Sergeant which shall act with the authority of the Marshal.

Except when designated as above, the order of command authority in the absence or unavailability of the Marshal is as follows:

- (a) Sergeant
- (b) Corporal
- (c) Senior Deputy

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

Organizational Structure and Responsibility

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, office policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.

General Order and Special Orders

202.1 PURPOSE AND SCOPE

General Orders and Special Orders are written directives that communicate departmental rules governing police conduct and activity. They may be used by the Marshal to make immediate changes to CCMO policy and procedure. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

202.1.1 GENERAL ORDER PROTOCOL

General Orders establish policy or procedure typically on matters affecting the entire department.

General Orders that are issued will be incorporated into the manual as required upon the Marshals approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing General Orders have now been incorporated in the updated Policy Manual as of the revision date shown.

202.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a section, to a unit or to an individual thereof and are temporary in nature. They are provided and discussed in training as needed. Any questions about or known violations of a Special Order should be referred to the Marshal or his designee as soon as practicable.

202.2 RESPONSIBILITIES

202.2.1 STAFF

The Marshal and court consultant shall review and approve revisions of the Policy Manual and the Marshal shall incorporate changes originally made by a General Order.

202.2.2 MARSHAL

The Marshal shall issue all General Orders and Special Orders. General Orders and Special Orders shall be retained and archived pursuant to state law (ARS § 39-101, et seq.), the retention schedule adopted by the Town and under the direction of the Office custodian of records.

202.3 ACCEPTANCE OF GENERAL ORDER

All employees are required to read and obtain any necessary clarification of all General Orders. All employees are required to acknowledge in writing the receipt and review of any new General Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Coordinator.

Emergency Operations Plan

203.1 PURPOSE AND SCOPE

The CCMO has prepared, in compliance with the State Comprehensive Emergency Response and Recovery Plan (SERRP) (ARS § 26-307 et seq.), an Emergency Operations Plan (EOP). The EOP is for the guidance and use by all members in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response by all members and assigns specific responsibilities in the event the plan is activated.

203.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The EOP can be activated in a number of ways. Within the Marshal's Office, the Marshal, the highest ranking official on-duty or an on-scene responder may activate the EOP in response to a major emergency.

203.2.1 RECALL OF PERSONNEL

In the event that the EOP is activated, all members of the CCPD are subject to immediate recall. Members may also be subject to recall during extraordinary circumstances as deemed necessary by the Marshal or his designee.

Failure to promptly respond to an order to report for duty may result in discipline.

203.3 LOCATION OF EMERGENCY OPERATIONS PLAN

The EOP for members is available in the deputies office, the Supervisor's office and in the Dispatch Center.

203.4 PLAN REVIEW

At least once every two years the Office should conduct a review of the EOP, incorporating a full or partial exercise, tabletop or command staff discussion.

203.5 PLAN TRAINING

The Office shall provide training in the EOP for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the EOP and the roles deputy personnel will be responsible for when the plan is implemented.

203.6 UPDATING OF EMERGENCY OPERATIONS PLAN

The Marshal or his designee should update the EOP manual at least once every two years. This will help ensure that it is current and conforms to the changes that may occur in the National Incident Management System (NIMS).

Training

204.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

204.2 POLICY

The office shall administer a training program that will meet the standards of federal, state and local training requirements. It is a priority of this office to provide continuing education and training for the professional growth and development of its members.

204.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of Office personnel.
- (c) Provide for continued professional development of Office personnel.
- (d) Assist in compliance with AZPOST and UTPOST rules and regulations concerning law enforcement training.
- (e) Meet and exceed mandatory and in-service training requirements with AZPOST and UTPOST rules and regulations concerning law enforcement training.
- (f) Efficiently and effectively accomplish office objectives.
- (g) Provide a uniformity of service, response capabilities, and understanding for deputies and employees of the office.

204.4 TRAINING COORDINATOR

The Marshal shall designate a Training Coordinator who is responsible for developing, reviewing, updating and maintaining the office training plan so that required training is completed. The Training Coordinator should review the training plan annually.

204.5 TRAINING PLAN

The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training to include:

- (a) Training annually on State and Federal Fair Housing Act by an outside qualified trainer
- (b) Training annually by the Washington County Attorneys Office on the 1st, 4th and 14th Amendment of the United States Constitution

Training

- i. 1st-Establishment Clause
- ii. 4th-The right of individuals to be free from unreasonable Seizures of property and the need for probable cause to make an arrest
- iii. 14th-Equal Protection
- (c) Training annually on the comprehensive report writing process
- (d) Training annually on landlord/tenant law, trespass law and be done by an outside qualified trainer
- (e) Compliance with POST mandated annual certified training of not less than 40 hours (Utah Code 53-6-202 (4)(a)).
- (f) Firearms Qualifications
- (g) Emergency Vehicle Operations
- (h) Arrest Control Tactics (defensive tactics)
- (i) Legislative Changes
- (j) State Mandated Training
- (k) Critical Issues Training

204.5.1 STATE MANDATED TRAINING

Peace Officer Standards and Training Board rules, require all sworn officers to complete minimum training in order to retain their certified peace officer status.

Officers who fail to meet these qualifications are subject to suspension and/or decertification by AZPOST/UTPOST Boards.

- (a) AZPOST Requirements:
 - 1. A regular peace officer or reserve officer shall receive 8 hours of continuing training each calendar year.
 - 2. All peace officers below first level supervisory position will complete 8 hours of proficiency training every three years.
- (b) UTPOST Requirements:
 - 1. A regular peace officer or reserve officer shall receive a minimum of 40 hours of training each year.

State certification/training requirements include, but are not limited to:

- (a) Basic training:
 - 1. Certified members of the Office must successfully complete basic training pursuant to AAC § R13-4-110.
 - 2. The basic training requirement may be waived when this office utilizes an individual under exigent circumstances, under the direct supervision of a certified

Training

peace officer as part of the field training program or the individual has otherwise received an AZPOST or UTPOST waiver.

- (b) Certification retention:
 - 1. All certified members of the Office shall receive continuing training, proficiency training and firearms qualification courses as required by the respective states they are certified in.
 - 2. A deputy who fails to satisfy state required continuing or proficiency training, shall not engage in enforcement duties.

204.6 LESSON PLANS

Lesson plans shall be prepared for all training courses conducted by the Department. At a minimum, lesson plans will contain the following:

- (a) Course outline
- (b) Course overview
- (c) Learning objectives
- (d) Material presented, to include any lecture notes, Electronic presentations, videos, or handouts
- (e) Exams, if applicable
- (f) Evaluation form

204.7 TRAINING COMMITTEE

The Training Coordinator may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Coordinator may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by the Office to determine possible training needs.

The Training Committee should convene on a regular basis, as determined by the Training Coordinator, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Coordinator. The recommendation should not identify specific facts of any incidents, such

Training

as identities of members involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Coordinator will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and the available resources. Training recommendations as determined by the Training Coordinator shall be submitted to the Marshal for review and approval of all training.

The Marshal will be responsible for evaluating existing training to identify gaps/weaknesses and recommend changes that will improve course quality, curriculum, or future instruction.

204.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the CCPD policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Coordinator. Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Coordinator.

Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

Employees who are assigned to participate in the DTB program should complete each DTB during their shift or by the end of their shift rotation for that week. Employees should not do more than 5 DTB's during any one shift.. Employees should not allow uncompleted DTBs to build up unless on leave or approved by the Marshal.. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

The training coordinator or assigned supervisor will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

204.8 TRAINING ATTENDANCE

All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor.

Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable..

The member shall make arrangements through his/her supervisor or the Training Coordinator to attend the required training on an alternate date.

Training

204.10 TRAINING RECORDS

The Training Coordinator is responsible for the creation, filing and storage of all training records in compliance with AZPOST/UTPOST Training records shall be retained as long as the employee's personnel file is retained. If a deputy satisfies the requirements for certification retention training from an outside provider, he/she shall provide the Training Coordinator with attendance verification and information that documents that the training meets AZPOST/UTPOST standards.

Electronic Mail

205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Office. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., Arizona and Utah Public Records Law). Messages transmitted over the email system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of business-related tasks and/or communications directly related to the business, administration or practices of the Office.

General Guidance

- (a) Password will be used to gain access to the e-mail system, and will be changed frequently.
- (b) E-mail messages should not be left on the computer screen when the employee is away from their desk.
- (c) No information protected by copyright laws, including software, will be sent or copied via e-mail.
- (d) All messages on the e-mail system will be business like in nature. E-mail correspondence going outside the Department will contain the employee's contact information including e-mail address, business address, and business phone number.

205.2 EMAIL RIGHT OF PRIVACY

All email messages, including attachments, transmitted over the Office computer network or accessed through a web browser accessing the Office system are considered Office records and, therefore, are the property of the Office. The Office has the right to access, audit and disclose for whatever reason, all messages, including attachments, transmitted or received through its email system or placed into its storage.

Unless it is encrypted, the email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Office. Therefore, the email system is not appropriate for confidential or personal communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Office email system shall have no expectation of privacy concerning communications utilizing the system. The Marshal has the right and oversight responsibility to enter agency email systems and review, copy, or disclose any message.

205.3 PROHIBITED USE OF EMAIL

The Office email system shall not be used for personal purposes unless that use is authorized in writing by the Marshal.

Electronic Mail

All email communications and internet use must comply with CCMO policies on professionalism and social networking/media use. Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited, will constitute just cause for discipline, and will result in discipline, up to and including termination of employment.

Email messages addressed to the entire office are only to be used for official business-related items that are of particular interest to all users. Personal advertisements or announcements are not permitted.

It is a violation of this policy to transmit a message under another user's name or email address or to use the password of another to log onto the system. Users are required to log off the network or lock the workstation when their computer is unattended. This added security measure would minimize the misuse of an individual's e-mail, name and/or password.

Employees shall not use personal accounts to exchange e-mail or other information that is related to official CCMO business.

205.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under Arizona and/or Utah Public Records Law and must be managed in accordance with the established records retention schedule and in compliance with state law.

The IT Department shall ensure that email messages are retained pursuant to the state public records laws as outlined in the Records Maintenance and Release Policy.

Administrative Communications

206.1 PURPOSE AND SCOPE

Administrative communications of this office are governed by the following policies.

206.2 MEMORANDUMS

Memorandums may be issued periodically by the Marshal or his designee, to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status.

206.3 CORRESPONDENCE

To ensure that the letterhead and name of the Office are not misused, all official external correspondence shall be on Office letterhead. All Office letterhead shall bear the signature element of the Marshal. Official correspondence and use of letterhead requires approval of the Marshal. Office letterhead may not be used for personal use or purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

206.4 SURVEYS

All surveys made in the name of the Office shall be authorized by the Marshal.

206.5 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Office shall be promulgated by the Marshal. Employees are responsible for reading notices posted on official bulletin boards. Business cards showing a connection to the Agency must be approved by the Agency.

Supervision Staffing Levels

208.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Office intends to balance the employee's needs against its need and inherent managerial right to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Office.

208.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one supervisor on-duty whenever possible.

208.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a deputy may be used as a supervisor in place of a sergeant or corporal.

With prior authorization from the Marshal, a deputy may act as the Supervisor **for a limited period of time.**

Retired Deputy Carrying Concealed Weapons

209.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of CCPD identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

209.2 POLICY

It is the policy of the CCPD to provide identification cards to qualified former or retired deputies as provided in this policy.

209.3 LEOSA

The Marshal may issue an identification card for LEOSA purposes to any qualified former deputy of this office who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this office as a deputy.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this office.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this office where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

209.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former deputy and identify him/her as having been employed as a deputy.

If the CCPD qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Office to meet the active duty standards for qualification to carry a firearm.

209.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this office may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

Retired Deputy Carrying Concealed Weapons

agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by law or by a private person or entity on his/her property if such prohibition is permitted by law.

209.4 FORMER DEPUTY RESPONSIBILITIES

A former deputy with a card issued under this policy shall immediately notify the Marshal or his designee of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

209.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former deputy shall:

- (a) Sign a waiver of liability of the Office for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Office.
- (b) Remain subject to all applicable office policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

209.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Office. In the event that an identification card is denied, suspended or revoked, the former deputy may request a review by the Marshal. The decision of the Marshal is final.

209.6 FIREARM QUALIFICATIONS

The Firearm Instructor/Rangemaster may provide former deputies from this office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Firearm Instructor/Rangemaster will maintain a record of the qualifications and weapons used.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The CCPD recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Use of Force

300.2.1 DUTY TO INTERCEDE AND REPORT

Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ARIZONA USE OF FORCE TO EFFECT AN ARREST

A deputy is justified in threatening or using force against another if, in making or assisting in making an arrest or detention or in preventing or assisting in preventing an escape after arrest or detention, such person uses or threatens to use physical force and all of the following exist (ARS § 13-409):

- (a) A reasonable person would believe that such force is immediately necessary to effect the arrest or detention or prevent the escape.
- (b) The deputy makes known the purpose of the arrest or detention or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested or detained.
- (c) A reasonable person would believe the arrest or detention to be lawful.

Use of Force

300.3.2 UTAH USE OF FORCE TO EFFECT AN ARREST

A deputy may use reasonable force to effect arrest, to prevent escape or to overcome resistance. Such officer shall not be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Utah Code 77-7-7).

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable, necessary, and proportional force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The ability of the deputy to de-escalate the situation.
- (c) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (d) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (e) The effects of suspected drug or alcohol use.
- (f) The individual's mental state or capacity.
- (g) The individual's ability to understand and comply with deputy commands.
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness.
- (k) Seriousness of the suspected offense or reason for contact with the individual.
- (l) Training and experience of the deputy.
- (m) Potential for injury to deputies, suspects, and others.
- (n) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (r) Prior contacts with the individual or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

Use of Force

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the deputy.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.3.5 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

Use of Force

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the deputy believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report. The deputy shall articulate the factors perceived and why he/she believed the use of force was reasonable, necessary, and proportional under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office requires the Use of Force Reporting form. Each deputy who uses or observes the use of force shall complete and sign the Use of Force Reporting form. Each use of force shall be reviewed by the deputy's immediate supervisor and Marshal.

Use of Force

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.
- (j) An individual suffered any blow to the head including by contact with the ground or wall.

300.5.2 REPORTING TO ARIZONA CRIMINAL JUSTICE COMMISSION

Use of force incident data regarding deputy use of force incidents (e.g., use of force connected to an individual's death or receiving a serious physical injury, discharge of a firearm at or in the direction of an individual) should be reported to the Arizona Criminal Justice Commission (AZCJC) as required by AZCJC (ARS § 38-1118). See the Records Section Policy.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably

Use of Force

believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away. See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

Use of Force

- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.8 TRAINING

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, deputies should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

At least annually, the Marshal's designee shall prepare an analysis report on use of force incidents. The report shall be submitted to the Marshal. The report should not contain the names of deputies, suspects or case numbers, and shall include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the CCPD to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The CCPD will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force, or while using office equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative leave status or placed in a temporary administrative assignment pending an administrative review.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on-or off-duty, excluding training or recreational use.

The Marshal may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Marshal will convene the Use of Force Review Board as necessary. It will be the responsibility of the supervisor of the involved employee to notify the Marshal of any incidents requiring board review. The involved employee's supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Marshal or his designee will select five Use of Force Review Board members from the following, They will be selected to serve for a term of 2 years:

- (a) Commanding officer (at the rank of Lt. or above) in the involved member's chain of command, if necessary one from an outside agency can be appointed
- (b) Supervisor (at the rank of corporal or Sgt)not in the involved member's chain of command, if necessary one from an outside agency can be appointed
- (c) A peer deputy

Use of Force Review Boards

- (d) A certified peace officer from an outside law enforcement agency
- (e) Office instructor for the type of weapon, device or technique used

The senior ranking command representative will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and require the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the boards review process. The board will have the authority to subpoena information or individuals that refuse to participate.

The board does not have the authority to recommend discipline.

The Marshal will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board shall be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts that the deputy knew or should have known at the time of the incident, applying any legal requirements, office policies, procedures and approved training to those facts.

Any questioning of the involved employee conducted by the board will be in accordance with the office's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within office policy and procedure.
- (b) The employee's actions were in violation of office policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Marshal.

The Marshal shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Marshal's final findings will be forwarded to the involved employee's supervisor for review and appropriate action. If the Marshal concludes that discipline should be considered, a disciplinary process will be initiated. The Marshal will

Use of Force Review Boards

notify the board of his final decision, detailed in writing within 30 days of the board chairpersons recommendation.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Marshal.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The CCPD authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and office training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed CCPD-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

Handcuffing and Restraints

determination that such restraints are necessary for the safety of the arrestee, deputies, or others (ARS § 31-601).

302.3.3 RESTRAINT OF JUVENILES

No juvenile shall be restrained in handcuffs unless the juvenile is suspected of a violent felony, or when the deputy has probable cause to believe the restraint is necessary to protect the deputy, the juvenile, or others from physical harm and no reasonable alternative to handcuffing exists. In a case in which a juvenile is handcuffed, the deputy shall articulate facts that justify handcuffing pursuant to this section.

302.3.4 NOTIFICATIONS

Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Handcuffing and Restraints

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Deputies should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Office shall be used.

In determining whether to use the leg restraint, deputies should consider:

- (a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

Handcuffing and Restraints

- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Deputies should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

Subject to available resources, the Training Coordinator should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.
- (b) Response to complaints of pain by restrained persons.

Handcuffing and Restraints

- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control subjects who are violent, the CCPD authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this office only if the device has been issued by the Office or approved by the Marshal or his designee.

Only deputies who have successfully completed office-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent, and the use of the device appears reasonable, necessary, and proportional under the circumstances. A verbal warning and opportunity to comply shall precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

303.4.1 SUPERVISOR RESPONSIBILITIES

The Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device.

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for

Control Devices and Techniques

disposition. Damage to Town property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

Blows from a baton can cause death or serious injury. The use of a baton to deliver blows must be reasonable, necessary, and proportional to the threat or resistance presented by the suspect. Deputies shall not target the head, neck, throat, spine, heart, kidneys, or groin unless the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.6 TEAR GAS GUIDELINES

CCMO does not currently utilize tear gas..

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in violent behavior. Deputies shall not use (OC) spray against an individual or group of individuals unless the use is reasonable, necessary, and proportional to a threat or resistance. Pepper projectiles or OC spray shall not be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of deputies or the public. Pepper projectiles or OC spray shall not be used against juveniles, pregnant women, individuals who have breathing problems, elderly people or, anyone else whose medical or other condition creates an increased risk of injury if suspected to pepperballs or OC spray.

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.7.2 PEPPER PROJECTILE SYSTEMS

The CCMO does not currently use the projectile system.

303.7.3 TREATMENT FOR OC EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. They should be taken to a location where there is fresh air as soon as practicable. Those persons who complain of further effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of

Control Devices and Techniques

the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. In situations where the property owner was not party to the incident or the subject that caused the OC spray to be used, CCMO may participate in the clean up process to include sharing the cost for cleanup with the property owner. Information regarding the method of notice and the individuals notified should be included in related reports.

303.9 TRAINING FOR CONTROL DEVICES

The Training Coordinator shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

303.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of conducted energy devices.

304.2 POLICY

The conducted energy device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputy and suspects.

304.3 ISSUANCE AND CARRYING OF CONDUCTED ENERGY DEVICE

Only members who have successfully completed office-approved training may be issued and carry a conducted energy device.

Office-issued conducted energy devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office's inventory.

Deputies shall only use the conducted energy device and cartridges that have been issued by the Office. Uniformed deputies who have been issued the conducted energy device shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the conducted energy device in the driver's compartment of their vehicle.

Members carrying a conducted energy device should perform a spark test on the unit prior to every shift.

When carried while in uniform, deputies shall carry the conducted energy device in a weak-side holster on the side opposite the duty weapon.

- (a) All conducted energy devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the conducted energy device.
- (c) Deputies shall be responsible for ensuring that their issued conducted energy device is properly maintained and in good working order.
- (d) Deputies should not hold both a firearm and the conducted energy device at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the conducted energy device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. (The warning to the suspect/subject shall be specific to imply "if you

Conducted Energy Device

do not stop or comply, I will taser you). The warning to others in the area and Deputies shall be Taser, Taser, Taser. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the conducted energy device is being deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the conducted energy device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the conducted energy device in the related report.

304.5 USE OF THE CONDUCTED ENERGY DEVICE

The conducted energy device has limitations and restrictions requiring consideration before its use. The conducted energy device should only be used when its operator can safely approach the subject within the operational range of the device. Although the conducted energy device is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

304.5.1 APPLICATION OF THE CONDUCTED ENERGY DEVICE

The conducted energy device may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonable, necessary, and proportional to the threat or resistance. The following are behaviors that would support the deployment of the conducted energy device:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.

Deputies shall not use the conducted energy device against a fleeing suspect unless the suspect presents a threat of causing death or serious injury, if not immediately apprehended.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the conducted energy device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.

Conducted Energy Device

- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the conducted energy device in the drive-stun mode is direct contact without probes, use of the device in drive-stun mode as a pain compliance technique is prohibited. Drive-stun may only be used when reasonable, necessary, and proportional to defend the deputy or another from harm.

The conducted energy device shall not be used to psychologically torment, elicit statements or to punish any individual.

304.5.3 TARGETING CONSIDERATIONS

The authorized target areas for the conducted energy device are the back torso and the front, lower center mass-below the chest. Deputies shall not intentionally target the head, neck, chest or groin.

If the probes strike the head, neck, chest, or groin, or if the subject does not recover immediately following probe deployment, deputies shall treat the event as a true medical emergency and summon emergency medical assistance immediately. Prior to the arrival of medical personnel, deputies on the scene shall carefully monitor the condition of the suspect and render immediate medical aid as needed, including providing rescue breathing or CPR.

304.5.4 MULTIPLE APPLICATIONS OF THE CONDUCTED ENERGY DEVICE

Deputies shall apply the conducted energy device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. During the application of the cycle, deputies shall attempt to restrain the suspect (cuffing under power).

Deputies shall not deliver more than two standard cycles to any one suspect. Under no circumstances shall the deputy deliver more than the standard cycle.

If the first application of the conducted energy device appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the conducted energy device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

Conducted Energy Device

- (c) Whether verbal commands, other options or tactics may be more effective.

Deputies should generally not intentionally apply more than one conducted energy device at a time against a single subject.

304.5.5 ACTIONS FOLLOWING DEPLOYMENT

Deputies shall notify a supervisor of all conducted energy device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The conducted energy device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.5.8 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry Office conducted energy devices while off-duty except by permission from the Marshal.

Deputies shall ensure that conducted energy devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Deputies shall document all conducted energy device discharges in the related arrest/crime report and the conducted energy device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

304.6.1 CONDUCTED ENERGY DEVICE FORM

Items that shall be included in the conducted energy device report form are:

- (a) The type and brand of conducted energy device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of conducted energy device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the conducted energy device was used.
- (f) The type of mode used (probe or drive-stun).

Conducted Energy Device

- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any deputies sustained any injuries.

The Training Coordinator should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Coordinator should also conduct audits of data downloads and reconcile conducted energy device report forms with recorded activations. This audit, related information and statistics should be provided annually to the Marshal. After identifying information has been removed the information may be released to the public through the CCMO approved records request process.

304.6.2 REPORTS

The deputy should include the following in the arrest/crime report:

- (a) Identification of all personnel firing conducted energy devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

304.7 MEDICAL TREATMENT

When possible only appropriate medical personnel should remove conducted energy device probes from a person's body. Used conducted energy device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by conducted energy device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person does not recover from the discharge immediately (e.g. appears groggy or unresponsive).

Conducted Energy Device

- (d) The conducted energy device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 10 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the conducted energy device.

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors shall respond to calls when they reasonably believe there is a likelihood the conducted energy device may be used. A supervisor shall respond to all incidents where a conducted energy device was activated.

A supervisor shall review each incident where a person has been exposed to an activation of the conducted energy device. The device's on board memory should be downloaded through the data port by a supervisor, the Marshal or his designee and saved with the related arrest/crime report. Photographs of probe sites shall be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the conducted energy device shall be permitted to do so only after successfully completing the initial office-approved training.

Proficiency training for personnel who have been issued conducted energy devices shall occur every year. A reassessment of a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Coordinator. All training and proficiency for conducted energy devices will be documented in the deputy's training file.

The Marshal, supervisors and investigators shall receive conducted energy device training as appropriate for the investigations they conduct and review.

Deputies who do not carry conducted energy devices should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training Coordinator is responsible for ensuring that all members who carry conducted energy devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of conducted energy devices during training could result in injury to personnel and should not be mandatory for certification.

Conducted Energy Device

The Training Coordinator should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the conducted energy device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the conducted energy device.
- (h) Signs and symptoms of medical distress following the application of the conducted energy device and appropriate responses.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for Investigating an incident in which a person is injured as the result of an officer-involved shooting or dies as a result of other action of a deputy.

In other incidents not covered by this policy, the Marshal may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the CCPD is to ensure that officer-involved shootings and deaths are investigated in an objective, thorough, fair and impartial manner, to include whether or not deputies, followed federal and state law, as well as, department policy.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the suspect's actions.
- (b) A criminal investigation of the involved deputies' actions.
- (c) An administrative investigation as to policy compliance by involved deputies.
- (d) A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies shall be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved deputy.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved deputy. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the CCPD would control the investigation if the suspect's crime occurred in Colorado City or Hildale.

If multiple crimes have been committed in multiple jurisdictions, identifying the agency that will lead the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved deputy, at the discretion of the Marshal and with concurrence from the other agency.

Officer-Involved Shootings and Deaths

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the following sections of this policy. When a deputy office is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this office to investigate an officer involved shooting or death involving an outside agency's officer shall be referred to the Marshal for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved deputy/officer is controlled by the respective employing agency.

305.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death:

305.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved CCMO deputy will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Office or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved CCMO supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved deputy/officers.
 - (a) In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved deputy/officer.
- (b) If necessary, the supervisor may administratively order any CCMO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - (a) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

Officer-Involved Shootings and Deaths

- (b) The initial on-scene supervisor should not attempt to order any involved deputy to provide any information other than public safety information.
- (c) Provide all available information to the Supervisor and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional CCMO members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) Ensure a canvas of the area for, and interview of, witnesses is conducted.
- (f) As soon as practicable, ensure that involved deputies are transported (separately, if feasible) to a suitable location for further direction.
 - (a) Each involved CCMO deputy should be given an administrative order not to discuss the incident with other involved officers or CCMO members pending further direction from a supervisor.
 - (b) When an involved deputies weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

305.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Marshal
- Detective Supervisor
- Officer-Involved Shooting Protocol rollout team
- Outside agency investigators (if appropriate)
- Administration supervisor
- Civil Liability Response Team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved deputies' agency representative (if requested)
- Public Information Officer

305.5.4 INVOLVED DEPUTIES

The following shall be considered for the involved deputy:

- (a) Any request for legal or union representation will be accommodated.
- (a) Involved CCMO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

Officer-Involved Shootings and Deaths

- (b) Requests from involved non-CCMO deputies should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Office to each involved CCMO deputy. A licensed psychotherapist may also be provided to any other affected CCMO members, upon request (ARS § 38-673).
 - (a) Interviews with a licensed psychotherapist will be considered privileged.
 - (b) An interview or session with a licensed psychotherapist may take place before the member provides a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - (c) A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved deputy and a peer support member or a critical incident stress management team member is addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved deputies' equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved CCMO deputy shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Supervisor to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

The Prosecuting Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this office may be assigned to partner with investigators from outside agencies or the Prosecuting Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) CCMO supervisors and Administration personnel should not participate directly in any voluntary interview of CCMO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

Officer-Involved Shootings and Deaths

- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED CCMO DEPUTIES

If suspects remain outstanding or subject to prosecution for related offenses, this office shall retain the authority to require involved CCMO deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

It is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved CCMO deputy of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements may be compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose

Officer-Involved Shootings and Deaths

of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Office.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Office investigators will be assigned to work with investigators from the Prosecuting Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the Prosecuting Attorney's Office.

All related office reports, except administrative and/or privileged reports, will be forwarded to the designated supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate supervisor.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with officer-involved shooting or death, this office will conduct an internal administrative investigation of the involved CCMO deputies to determine conformance with office policy. This investigation will be conducted under the supervision of the Marshal and will be considered a confidential deputy personnel file until the investigation is complete or the investigation has been discontinued (ARS § 38-1109).

Interviews of members shall be subject to office policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
- (c) If an involved deputy has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

Officer-Involved Shootings and Deaths

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative collectively or in groups prior to being interviewed.
3. Administrative interviews shall be recorded by the investigator. The deputy may also record the interview.
4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she shall be given his/her *Garrity* rights, and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally (ARS § 38-1104).
5. The Administration shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this office may be assigned to work exclusively under the direction of the legal counsel for the Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work-product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation. However, persons preparing the response shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or Town Attorney's Office, as appropriate.

Officer-Involved Shootings and Deaths

305.10 DEBRIEFING

Following an officer-involved shooting or death, the CCPD should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Marshal should identify the appropriate participants. This debriefing shall not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the Marshal or his designee and office representative responsible for each phase of the investigation. Releases will be available to the Supervisor, and Public Information Officer in the event of inquiries from the media.

No involved CCMO deputy shall make any comment to the media unless he/she is authorized by the Marshal.

Office members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REPORTING

If the death of an individual occurs in the CCPD jurisdiction and qualifies to be reported to the Department of Public Safety, the Patrol Supervisor will ensure that the Records Manager is provided with enough information to meet the reporting requirements (ARS § 41-1750; AAC § R13-1-301).

305.13 UTAH STATUTORY MANDATES RELATED TO INVESTIGATIONS OF CRITICAL INCIDENTS

The Supervisor shall notify the County Attorney as soon as practicable if the following critical incidents occur within the jurisdiction of the CCMO whether or not an involved law enforcement officer is an office member (Utah Code 76-2-408:

- (a) Use of a firearm that caused an injury by a law enforcement officer or any other use of a weapon by a law enforcement officer in a manner that could have caused death or serious injury (e.g., a blow to the head of a person with a baton).
- (b) A fatal injury to any person that could have been caused by a law enforcement officer or while the person was in the custody of a law enforcement agency.

The Marshal or his designee and the County Attorney shall jointly designate an agency to criminally investigate the actions of a law enforcement officer involved in a critical incident, as appropriate, and may jointly designate a lead agency if more than one agency will be involved. An agency

CCPD

Colorado City/Hildale PD Policy Manual

Officer-Involved Shootings and Deaths

other than the CCMO will criminally investigate the actions of members who may have caused or contributed to a critical incident (Utah Code 716-2-408).

Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.1.1 AUTHORIZATION TO CARRY FIREARMS

Only certified members who have met all state standards and have been authorized by the Marshal shall have the peace officer privilege to carry a firearm both on and off-duty.

The Marshal or his designee may deny the peace officer privilege to carry a firearm when:

- (a) The deputy is relieved of duty and is under a criminal or administrative investigation (ARS § 38-1113).
- (b) When, in the judgment of the Marshal or his designee, the deputy exhibits any impairment, including any physical or mental impairment that would cause concern for the well-being of the deputy and fellow members of this office or the public (ARS § 38-1113).

306.2 POLICY

The Office will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm.

All other weapons not provided by the office, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express authorization of their supervisor. This exclusion does not apply to the carrying of a folding pocketknife that is not otherwise prohibited by law.

306.3.1

The following handguns are approved for on-duty use: Glock, FN, Springfield.

40 Caliber (9mm for the FN)

Firearms

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306.3.2 SHOTGUNS

Members shall only use shotguns that are issued or approved by the office and have been thoroughly inspected by the range master. When not deployed, the shotgun shall be properly secured consistent with training in a locking weapons rack in the patrol vehicle.

306.3.3 PATROL RIFLES

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Members who are specifically trained and have qualified with a patrol rifle or shotgun may deploy the patrol rifle or shotgun with department issued ammo, only in a circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Situations in which the deployment of the patrol rifle may be appropriate include, but are not limited to:

- (a) When a member encounters a suspect that is armed with a firearm, high powered rifle, shotgun, or any other weapon that is capable of injuring multiple persons or causing multiple serious injuries, and or
- (b) Wearing body armor, and or
- (c) When a member receives credible information that a suspect is armed with a firearm, and time and time and safety permit the deputy to deploy a rifle/shotgun, and or
- (d) An active shooter incident, and or
- (e) Barricade or hostage incidents involving a firearm, and or
- (f) When a member is faced with a situation that might require the delivery of accurate and effective fire at long range, and or
- (g) When the suspect has a tactical advantage, for example, armed with a firearm on high ground

306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Marshal. Once approved, personally owned duty firearms are subject to the following restrictions: The firearm shall be in good working order and on the list of approved firearms. The firearm shall be inspected by the assigned supervisor or range master prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary. Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly. Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Marshal, who will maintain a list of the information.

306.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry office or personally owned secondary handguns are subject to the following restrictions:

Firearms

- (a) The handgun shall be in good working order and approved by the office.
- (b) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.
- (c) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (e) Ammunition shall be the same as office-issue. If the caliber of the handgun is other than office issue, the Marshal or his designee shall approve the ammunition.
- (f) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Marshal but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with this policy.
- (b) The firearm shall be carried in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster who will maintain a list of the information.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (g) Members shall only carry office-authorized ammunition.
- (h) When armed, deputies shall carry their badges and CCPD identification cards under circumstances requiring possession of such identification.

306.3.7 AMMUNITION

Members shall carry only office-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms

Firearms

qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Office or personally owned firearms that are approved for office use may be repaired or modified only by a person who is office-approved and certified as an armorer or gunsmith in the repair of the specific firearm.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

306.4.2 HOLSTERS

Only office-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

Firearms

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster.
- (c) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (d) Members shall not use any weapon or firearm unless they have been specifically trained on the weapon and, have prior approval from the Marshal.
- (e) Any firearm authorized by the Office to be carried on or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION

Handguns shall be inspected regularly and upon access or possession by another person. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. All firearms shall be pointed in a safe direction or into clearing barrels.

306.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on or off-duty, who has consumed an amount of an alcoholic beverage (unless authorized as part of the deputy's duties), taken any drugs or medication, has taken any combination thereof that would tend to adversely affect the member's senses or judgment (ARS § 38-1113).

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with each firearm he/she is authorized to use. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course (AAC § R13-4-111).

Firearms

Each firearms instructor shall meet the proficiency requirements in AAC § R13-6-701.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 1. Unauthorized range make-up
 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action (AAC § R13-4-109.01).

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her supervisor or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat and alternative methods are not reasonably available or would likely be ineffective.

Firearms

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.7.3 WARNING SHOTS

Warning shots are not allowed at anytime. Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

306.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to Office members during hours established by the Office.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Rangemaster has the authority to deem any office-issued or privately owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The firearms and weapons instructor trains and mentors all officers in completing demonstrations of proficiency in the use of their primary and secondary firearms, and other weapons carried in the performance of official duties. Demonstration for all weapons (firearms, batons, expandable batons, control sticks, chemical agents, electronic devices, special munitions delivery systems, etc.) authorized and carried by department officers should be conducted on a recurring basis. For further detail on weapons demonstration of proficiency refer to the firearms demonstration of proficiency policy.

Under no circumstance may officers not having demonstrated proficiency with their weapons be allowed to carry or use those particular weapons. In particular, to carry and use handguns, rifles,

Firearms

shotguns, OC spray, straight baton, expandable baton, or electronic device. Officers should demonstrate proficiency with each weapon, subject to the approval of the weapons instructor.

The Rangemaster shall complete and submit to the Training Coordinator documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Coordinator.

306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their CCPD identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Marshal or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The CCPD must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the CCPD an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Marshal authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, must detail his/her itinerary and include that the deputy has completed the mandatory TSA training for law enforcement officers flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

Firearms

- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

306.10 CARRYING FIREARMS OUT OF STATE

Qualified active full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The deputy shall carry his/her CCPD identification card whenever carrying such firearm.
- (b) The deputy is not the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other Office policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide deputies with clear guidance about when they are authorized to initiate, continue or terminate a pursuit. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is not more important than the safety of the public and pursuing deputies (ARS § 28-624(A)).

307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision. In recognizing the risk to public safety created by vehicle pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

307.2 DEFINITIONS

Definitions related to this policy include:

Vehicle Pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to a deputy's signal to stop.

Blocking or Vehicle Intercept - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing In - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Vehicle Pursuits

Tire Deflation Device, Spikes or Tack Strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

307.3 DEPUTY RESPONSIBILITIES

It is the policy of this office that a vehicle pursuit shall be conducted with at least one flashing red or red and blue warning lamp visible from the front and an audible siren activated on an authorized emergency vehicle (ARS § 28-624(C)).

Operating an emergency vehicle in a pursuit with the emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (ARS 28-624(D)).

307.3.1 WHEN TO INITIATE A PURSUIT

Deputies are prohibited from initiating a pursuit unless there is a substantial risk that the pursued driver will cause death or serious bodily injury unless apprehended immediately.

Even if a deputy determines that a pursuit is authorized by policy, the deputy is required to consider the following factors individually and collectively in deciding whether to initiate or continue a pursuit:

- (a) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.
- (b) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (c) Pursuing deputy's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (d) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (e) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (f) Vehicle speeds.
- (g) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (h) Availability of other resources, such as aircraft assistance.

307.3.2 WHEN TO TERMINATE A PURSUIT

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and supervisors must continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this

Vehicle Pursuits

policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

- (a) The distance between the pursuing deputies and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle’s location is no longer definitely known.
- (c) The deputy’s pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The danger posed by the continued pursuit to the public, the deputies or the suspect is greater than the value of apprehending the suspect.
- (e) Weather or traffic conditions substantially increase the danger of the pursuit beyond the benefit of apprehending the suspect.
- (f) The pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use (ARS § 28-624(B)(4)).
- (g) The deputy is unfamiliar with the area and is unable to accurately notify dispatch of the location and direction of the pursuit.
- (h) The violator is driving the wrong way on a limited access highway or one-way road.
- (i) Air support is available to track the suspect.
- (j) The hazards to uninvolved bystanders or motorists
- (k) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (l) When directed to terminate the pursuit by a supervisor.
- (m) When a deputy terminates a pursuit, the deputy shall turn off the siren and emergency lights, pull the vehicle to the side of the road and stop.

307.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy and supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle (ARS § 28-624(B)(3)).

Should high vehicle speeds be reached during a pursuit, deputies and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the deputy.

Vehicle Pursuits

- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

307.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspect. All other deputies shall stay out of the pursuit but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. The Deputy in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.

307.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing deputy will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify the Dispatch Center, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of occupants.
- (f) The identity or description of the known occupants.
- (g) Weather, road and traffic conditions.
- (h) Identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Vehicle Pursuits

Unless relieved by a supervisor or secondary unit, the deputy in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY UNIT RESPONSIBILITIES

The second deputy in the pursuit is responsible for the following:

- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serving as backup to the primary unit once the subject has been stopped.

307.4.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Deputies may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary to clear the intersection and for safe operation (ARS § 28-624(B)(2)).
- (c) As a general rule, deputies should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 1. Requesting assistance from an available air unit.
 2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
 3. Requesting other units to observe exits available to the suspect.
- (d) Notify the Highway Patrol, County Sheriff, or other law enforcement agencies if it appears the pursuit may enter their jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other units unless the situation dictate's otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved deputies.

307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian

Vehicle Pursuits

traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

307.4.6 PURSUIT TRAILING

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

307.4.7 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide deputies and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this office that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this office.

The field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, the supervisor shall immediately notify involved deputies and the Dispatch Center whether the pursuit may continue.
- (b) Engage in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercise management and control of the pursuit even if not engaged in it.
- (d) Ensure that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

Vehicle Pursuits

- (e) Direct that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensure that aircraft assistance is requested if available.
- (g) Ensure that the proper radio channel is being used.
- (h) Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Control and manage CCMO units when a pursuit enters another jurisdiction.
- (j) Prepare a post-pursuit critique and analysis of the pursuit for training purposes.
- (k) Shall review all reports and forward them to the Marshal.
- (l) The supervisor or in his absence the deputy in charge has the responsibility for the coordination, control and termination of a vehicle pursuit.

307.6 COMMUNICATIONS

If the pursuit is confined within the Town limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this office or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.6.1 THE DISPATCH CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Dispatch Center will be responsible for the following:

- (a) Coordinating pursuit communications of the involved units and personnel.
- (b) Notifying and coordinating with other involved or affected agencies as practicable.
- (c) Ensuring that a supervisor is notified of the pursuit.
- (d) Assigning an incident number and log all pursuit activities.
- (e) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (f) Notifying the Supervisor as soon as practicable.

307.6.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast that he/she has lost sight of the suspect vehicle and that the pursuit has terminated. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.7 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another

Vehicle Pursuits

jurisdiction is expected to be brief, it is generally recommended that the primary deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

CCPD deputies will discontinue the pursuit when another agency has assumed the pursuit unless continued assistance of the CCPD is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of deputies at the termination of a pursuit initiated by this office shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this office, the other agency should relinquish control.

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this office should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this office may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this office to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing deputies.

As soon as practicable, a supervisor should review a request for assistance from another agency. The supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing outside agency by deputies of this office will terminate at the Town limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this office may continue only until sufficient assistance is present.

Vehicle Pursuits

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall provide appropriate assistance to peace officers from the outside agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. CCMO members shall not use pursuit intervention tactics that they have not been specifically trained in. CCMO members shall not assist outside agencies with any of these techniques that they have not been specifically trained in, and have prior approval from a supervisor.

307.8.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, deputies/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision.

It is imperative that deputies act within legal bounds using good judgment and accepted practices.

307.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to Office policies guiding such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by deputies who have received training in such tactics and after giving consideration to the following:

Vehicle Pursuits

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies or other members of the public.
 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 4. The target vehicle is stopped or traveling at a low speed.
 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those deputies trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:
1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving in willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
 3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.
- (e) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the deputy shall notify pursuing units and the supervisor of the intent and location. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be

Vehicle Pursuits

deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

307.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary deputy should coordinate efforts to apprehend the suspect following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans to contain and capture the suspect.

307.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate local and state regulations.

- (a) The primary deputy shall complete appropriate crime/arrest reports.
- (b) The primary deputy or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or inter-office memorandum, briefly summarizing the pursuit to the Marshal or his designee. This memo should minimally contain the following information:
 1. Date and time of pursuit.
 2. Length of pursuit in distance and time.
 3. Involved units and deputies.
 4. Initial reason and circumstances surrounding the pursuit.
 5. Starting and termination points.
 6. Alleged offense, charges filed or disposition: arrest, citation or other release.
 7. Arrestee information should be provided if applicable.
 8. Injuries and/or property damage.
 9. Medical treatment.
 10. The outcome of the pursuit.
 11. Name of supervisor handling or at the scene.
 12. The means or methods used to stop the suspect being pursued or how pursuit was terminated.
 13. Weather conditions.

Vehicle Pursuits

14. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
 - (d) After receiving copies of reports, logs and other pertinent information, the Marshal or his designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all licensed non-exempt employees will participate, no less than annually, in regular and periodic office training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will emphasize the prohibition against engaging in pursuits and the limited exception, and the review of both Arizona and Utah state laws regarding vehicle pursuits.

307.9.2 POLICY REVIEW

Certified members of this office shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

Foot Pursuits

308.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

308.2 POLICY

It is the policy of this office that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to office members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

308.3 DECISION TO PURSUE

The safety of office members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and office members.

Deputies may be justified in initiating a foot pursuit of any individual that the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in a foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. Foot pursuits may place office members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.

Foot Pursuits

Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

308.4 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The deputy is unsure of his/her location and direction of travel.
- (c) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (d) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.
- (e) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.
- (f) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (g) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (h) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
- (i) The deputy loses possession of his/her firearm, radio or other essential equipment.
- (j) The deputy or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (k) The suspect's location is no longer known.
- (l) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to office members or the public if the suspect is not immediately apprehended.
- (m) The deputies ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

308.5 RESPONSIBILITIES IN FOOT PURSUITS

Foot Pursuits

308.5.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient resources are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Number of suspects and description, to include name if known
- (c) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

308.5.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

308.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established office guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

308.5.4 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for: Clearing the radio channel of non-emergency traffic. Coordinating pursuit communications

Foot Pursuits

of the involved deputy. Broadcasting pursuit updates as well as other pertinent information as necessary. Ensuring that a supervisor is notified of the foot pursuit. Notifying and coordinating with other involved or affected agencies as practicable. Notifying the Marshal as soon as practicable. Assigning an incident number and logging all pursuit activities.

308.6 REPORTING REQUIREMENTS

The initiating deputy shall complete appropriate crime/arrest reports. Reports will be completed prior to the involved deputies shift ending, unless otherwise approved by the Marshal or his designee.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed and will be completed by the end of the involved deputies shift, unless otherwise approved by the Marshal or his designee..

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, the involved deputies will complete an incident report articulating their involvement and reason for the pursuit being initiated.

Deputy Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

309.2 RESPONSE TO CALLS

Deputies responding to an emergency call shall proceed immediately. Deputies responding to an emergency call shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (Utah Code 41-6a-212); (ARS § 28-624(B)).

Responding with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (ARS § 28-624(B)). The use of any other warning equipment without emergency lights and siren does not provide any exemption from the Arizona motor vehicle laws.

Deputies should only respond as an emergency call response when so dispatched or when circumstances reasonably indicate an emergency response is required. Deputies not responding as an emergency call response shall observe all traffic laws and proceed without the use of emergency lights and siren.

309.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe there is an imminent threat to the safety of deputies, or assistance is needed to prevent imminent harm to a citizen. Where a situation has stabilized and emergency response is not required, the requesting deputy shall promptly notify the Dispatch Center.

If circumstances permit, the requesting deputy should give the following information:

- (a) The unit number
- (b) The location
- (c) The reason for the request and type of emergency
- (d) The number of units required

309.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Supervisor or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

309.4 INITIATING EMERGENCY CALL RESPONSE

If a deputy believes an emergency call response to any call is appropriate, the deputy shall immediately notify the Dispatch Center. Emergency responses of more than one unit

Deputy Response to Calls

should include, if circumstances reasonably permit, coordination of the response of the second responding unit by the Dispatch Center to avoid unanticipated intersecting of response routes.

An emergency call response of more than one unit should initiate notification by the Dispatch Center to the Supervisor or supervisor. The supervisor should monitor all emergency responses and reduce or enhance the response as warranted. In other than emergency situations, when expediency is required to effectively eliminate a potential hazard to the public or fellow officers, law enforcement officers may activate emergency warning devices to allow orderly and safe transit through heavily congested roadways. Examples of permissible uses of emergency warning devices during non-emergency response situations include, but are not limited to:

- (a) Using emergency lights as "beacons" to protect disabled motorists; and
- (b) Using emergency lights when it is necessary to use agency vehicles as protective barriers.

Operators of emergency vehicles should deactivate emergency warning devices as soon as possible after the emergency situation.

309.5 RESPONSIBILITIES OF RESPONDING DEPUTY

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call deputies may (ARS § 28-624(B)):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the prima facie speed limits if the driver does not endanger life or property.
- (c) Disregard laws or rules governing the direction of movement or turning in specified directions.
- (d) Disregard regulations governing parking or standing when using a warning lamp.

Continuing an emergency call response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the deputy should immediately notify the Dispatch Center. A deputy shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency call response is appropriate, a deputy shall immediately give the location from which he/she is responding.

309.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when a deputy requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is

Deputy Response to Calls

needed. In all other circumstances, the dispatcher shall obtain authorization from the Supervisor or a field supervisor prior to assigning an emergency response. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Immediately notify the Supervisor.
- (c) Confirm the location from which the unit is responding.
- (d) Notify and coordinate outside emergency services (e.g., fire and ambulance).
- (e) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Supervisor or field supervisor.

309.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency call response, the Supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

Deputy Response to Calls

309.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency call response and respond accordingly (ARS § 28-624(C)).

The deputy shall notify the Supervisor, field supervisor or the Dispatch Center of the equipment failure so that another unit may be assigned to the emergency response.

Canines

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community including but not limited to locating individuals and contraband and apprehending criminal offenders (ARS § 11-1025).

310.2 POLICY

It is the policy of the CCPD that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

310.3 ASSIGNMENT

Canine teams should typically be assigned to assist and supplement the Patrol Section to function primarily in assist or cover assignments. However, they may be assigned by the Supervisor to other functions, such as routine calls for service, based on the current operational needs.

310.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Marshal or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

310.5 REQUESTS FOR CANINE TEAMS

Patrol Section members are encouraged to request the use of a canine. Requests for a canine team from office units outside of the Patrol Section shall be reviewed by the Supervisor.

310.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies should be approved by the Marshal or his designee and are subject to the following:

Canines

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports by the end of his/her shift unless otherwise authorized..

310.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Marshal or his designee prior to making any resource commitment. The Supervisor is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the Marshal or his designee.

310.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Supervisor. Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

Canines

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

310.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

310.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the

Canines

handler shall document in any related report how the warning was given and, if none was given, the reasons why.

310.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the Marshal or his designee. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements, however the county enforcement agent shall be notified if the canine exhibits any abnormal behavior and will be made available for an examination (ARS § 11-1014(J)).

310.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

Canines

310.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

310.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

310.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

310.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) A deputy who is currently off probation.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c) A garage that can be secured and can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Colorado City Town limits.

Canines

- (e) Agreeing to be assigned to the position for a minimum of three years.

310.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all office equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the CCPD facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Marshal or his designee as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the Town at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Supervisor.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Supervisor.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

310.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

Canines

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

310.9.2 SUBSECTION TITLE

310.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the memorandum of understanding (29 USC § 207).

310.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the Supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

310.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The Supervisor or handler shall be responsible for scheduling periodic training for all office members in order to familiarize them with how to conduct themselves in the presence of office canines. Because canines may be exposed to dangerous substances such as opioid, as resources are available, the Marshal or his designee should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the Marshal or Supervisor.

310.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

Canines

- (a) Canine teams should receive training as defined in the current contract with the CCPD canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Office.

310.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

310.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

310.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the CCPD may work with outside trainers with the applicable licenses or permits.

310.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with the Arizona Controlled Substances Act and federal laws (21 USC § 823(f); ARS § 36-2522(C)).

The Marshal or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the CCPD to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Marshal or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

310.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

Canines

- (b) The weight and test results shall be recorded and maintained by this office.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

310.12.7 EXPLOSIVE TRAINING AIDS

Deputies may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; ARS § 13-3103).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The Supervisor shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the Supervisor, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Domestic Violence

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - Includes any crime involving the actual, threatened or attempted violence or physical harm of a cohabitant. Domestic violence includes violation of a dating violence court order as defined by Utah Code 78B-7-402. Domestic violence also includes committing or attempting to commit any crime listed in Utah Code 77-36-1(4) by one cohabitant against another.

311.2 POLICY

The CCPD's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources.

311.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other

Domestic Violence

children who may not have been in the house at that particular time should also be obtained for follow-up.

- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Marshal's office in the event that the injuries later become visible.
- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) When appropriate, deputies should question involved parties and witnesses regarding the presence of firearms. Any firearms discovered in plain view or pursuant to a consent to search should be temporarily seized for safekeeping if the deputy reasonably believes that the firearm presents a risk of serious bodily injury or death if left on the premises (ARS § 13-3601).
 - 1. A firearm that is owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties have independently committed an act of domestic violence.
- (i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.

Domestic Violence

10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

311.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

Domestic Violence

311.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check to see if any of the involved persons are subject to the terms of a court order.

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

311.9 LEGAL MANDATES AND RELEVANT LAWS

311.9.1 ARIZONA STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

- (a) A deputy should arrest a person if the deputy has probable cause to believe that the person to be arrested has committed an act of domestic violence, whether or not the offense was committed in the presence of the deputy (ARS § 13-3601(B)). A decision to not make an arrest requires the review and authorization of a supervisor.

Domestic Violence

- (b) An arrest of a person who is 15 years of age or older shall be made in a domestic violence incident involving the infliction of physical injury or involving the discharge, use, or threatened exhibition of a deadly weapon or dangerous instrument unless the deputy has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury (ARS § 13-3601(B)). A decision to not make an arrest in these circumstances requires the review and authorization of a supervisor.
- (c) In order to arrest both parties, a deputy must have probable cause to believe that both parties independently have committed an act of domestic violence (ARS § 13-3601(B)).
- (d) Deputies should not arrest a person for domestic violence when there is reason to believe the act in question qualifies as self-defense and is justified under Chapter 4 of Title 13 of the Arizona Revised Code (ARS § 13-3601(B); ARS § 13-401 et seq.).
- (e) A person arrested for domestic violence or a violation of a court order shall not be released in the field by citation. A physical arrest and booking is required (ARS § 13-3601(B); ARS § 13-3602(R); ARS § 25-808(I)).
- (f) A deputy should arrest a person if there is probable cause to believe the person has disobeyed or resisted an order issued in any jurisdiction in this state pursuant to ARS § 13-3602(R) or ARS § 25-808(I) whether or not such violation occurred in the deputy's presence.
- (g) Emergency Orders of Protection issued under ARS § 13-3624 shall be enforced (ARS § 13-3624(H)).
- (h) Whenever a defendant arrested for violating a court order is released from the custody of this office, the releasing deputy shall make reasonable efforts to contact the victim or others listed in an order of protection who requested notification upon release of the defendant (ARS § 13-3602(S)).

311.9.2 UTAH STANDARDS FOR ARRESTS

- (a) A deputy shall arrest a suspect whenever there is probable cause to believe that the suspect has violated any of the provisions of a court order or condition of release agreement and there is evidence the order has been served. The offense need not occur in the deputy's presence (Uth Code 77-36-2.4(1); Utah Code 77-36-2.5)
- (b) If a deputy has probable cause to believe there will be continued violence against the victim or if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence offense, the deputy may not utilize the option of issuing a citation (Utah Code 77-36-2.2(2)(b)). Factors that may support the likelihood of a continuing offense include:
 - 1. A prior history of arrests or citations involving domestic violence.
 - 2. The suspect is violating a court order.
 - 3. The suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).

Domestic Violence

4. Victim statements that the suspect has a history of physical abuse toward the victim.
 5. Victim statements in which he/she expresses fear of retaliation or further violence should the suspect be released.
 6. Any other evidence that would indicate the victim may be subjected to continued violence or abuse.
- (c) In responding to domestic violence incidents, deputies should generally be reluctant to make dual arrests. If a deputy receives complaints of domestic violence from two or more opposing persons, the deputy shall evaluate each complaint separately to identify the predominant physical aggressor. If the deputy determines that one person was the predominant physical aggressor, the deputy shall consider (Utah Code 77-36-2.2(3)):
1. Any prior complaints of domestic violence.
 2. The relative severity of injuries inflicted on each person.
 3. The likelihood of future injury to each of the parties.
 4. Whether one of the parties acted in self defense.
- (d) A deputy may not threaten, suggest, or otherwise indicate the possible arrest of all parties in order to discourage any party's request for intervention by law enforcement (Utah Code 77-36-2.2(4)):
- (e) A deputy who does not make an arrest shall notify the victim of his/her right to initiate a criminal proceeding and of the importance of preserving evidence (Utah Code 77-36-2.2(5)(b)).
- (f) Whenever a complainant advises of the existence of a court order, the deputy shall determine if a valid court order exists and use every reasonable means to enforce the order. The deputy should determine whether the order was in the statewide domestic violence network (Utah Code 78B-113(1)) and/or:
1. Whether a court order is on file with a law enforcement agency or whether the complainant has a copy of the court order in his/her possession.
 2. Whether proof of service or prior notice exists, whether the suspect was in court when the order was made or it was provided by a court ex parte.
 3. The terms of the court order that may be enforced against the suspect.
- (g) In the event the suspect is no longer at the scene, deputies shall document the incident for further follow up and/or the filing of a complaint with the proper prosecutor for charges to be filed.
- (h) If an arrest is made, the arresting deputy shall provide the arrestee with written notice containing the following information (Utah Code 77-36-2.5(10)):

Domestic Violence

Deputies responding to a domestic violence call shall arrest or issue a citation to a domestic violence offender if there is probable cause to believe an offense has occurred. The offense need not occur in the deputy's presence (Utah Code 77-36-2.2(2)(a)). Any citation issued shall note that the offense involved a domestic violence offense (Utah Code (77-7-20)).

- (i) The arrestee may not contact the victim before being released
- (j) The arrestee may not be released except by court order or a written jail release agreement

311.9.3 REPORTS AND RECORDS

- (a) If a firearm is seized, the deputy shall give the owner or possessor of the firearm a receipt for each seized firearm, which indicates the identification or serial number or other identifying characteristic of each seized firearm (ARS § 13-3601).
 - 1. The deputy should also ensure notification is made to the Evidence Room Supervisor to ensure that any firearm seized for safekeeping is held for at least 72 hours.

311.9.4 SERVICE OF COURT ORDERS

- (a) A deputy should serve orders for protection issued under ARS § 13-3602 and give it priority over other calls for service that do not involve an immediate threat to a person's safety (ARS § 13-3602(K)).
 - 1. The deputy serving the order should ensure that any proof of service is provided to the crime victim liaison for notification to the victim as provided by ARS § 13-3602(I) (see the Victim and Witness Assistance Policy).
- (b) When a deputy has reasonable grounds to believe that a victim is in immediate and present danger of domestic violence, the deputy should seek and serve an emergency protective order (ARS § 13-3624).
 - 1. For any emergency protective order obtained, the deputy should ensure that a copy of the order and a certificate of service are forwarded to the Records Section for filing and registering as required by ARS § 13-3624(F) (see the Records Section Policy).

Search and Seizure

312.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for CCPD personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the CCPD to respect the fundamental privacy rights of individuals. Members of this office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this office will comply with relevant federal and state law governing the seizure of persons and property.

Deputies shall not use an individual's gender, race, ethnicity, national origin, religion, color, disability, gender identity or sexual orientation as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause, unless such information is part of an actual and credible description of a specific suspect in an investigation that includes other identifying factors.

Definitions:

Pat Down Search/Terry Frisk - This type of limited, protective search is used by deputies in the field to check an individual for weapons. It involves a patting down of outer clothing to locate any weapons or dangerous item that could pose a danger to the deputy, the detainee or others. A pat down search of a detained subject conducted whenever a deputy has a reasonable, articulable suspicion that the person is armed and poses a danger to his/her own safety or the safety of others.

Search - An inspection, examination, or viewing of persons, places, or items in which an individual has a reasonable expectation of privacy.

Field Interview (FI) - The brief detainment of an individual based on reasonable suspicion for the purpose of resolving the deputy's suspicions concerning criminal activity.

Reasonable Suspicion - Occurs when, under the totality of circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Probable Cause - Facts and circumstances known to the deputy that would lead a reasonable deputy to believe that a person has committed or will commit a crime. The belief must be based on factual evidence, not just on suspicion.

Search Incident to an Arrest - A legal principle that allows police to perform a warrantless search of an arrested person, and the area within the arrestee's immediate control, in the interest of officer safety, the prevention of escape, and the destruction of evidence.

Exigent Circumstances - A situation in which a police officer must take immediate action to effectively make an arrest, search, or seizure for which probable cause exists, and thus may do so

Search and Seizure

without first obtaining a warrant. Such emergency situations are those that "cause a reasonable person to believe that entry (or relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequences improperly frustrating legitimate law enforcement efforts."

Valid Consent - For consent to be valid, it must be voluntary and informed, and the person consenting must have the capacity to make the decision.

Transgender - Individuals whose gender identity is different from the sex assigned to them at birth.

Gender Identity - An individual's internal sense of gender, regardless of assigned sex at birth.

Transition - The process of changing one's gender from that assigned at birth to be consistent with one's gender identity. This may include one or more of the following steps: telling family, friends, or coworkers; changing one's name and/or sex on legal documents; altering one's gender expression to conform with one's gender identity; and/or, for some people, using medical treatments such as electrolysis, hormone therapy and surgery.

Seizure - A restraint of an individual's liberty by means of a physical force or a show of authority. A seizure also may occur if a deputy uses words, actions, or demeanor that would make a reasonable person believe that he or she is not free to go.

Contact - A voluntary, consensual encounter between the deputy and a subject. The subject is free to leave and/or decline any of the deputy's requests at any point. It is not a seizure.

Stop/Terry Stop - A brief, minimally intrusive detention of an individual during which a reasonable person in the individual's position would not feel free to leave. It is a seizure. To justify a stop, the deputy must have reasonable, articulable suspicion that the individual is involved in criminal activity.

Plain View - A doctrine that allows deputies to discover contraband or evidence after making a lawful intrusion into a constitutionally protected area, such as a residence or vehicle. The contraband or evidence must be immediately apparent as such and be in plain sight.

The office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

312.2.1 SEIZURES

A Seizure of an individual by a deputy is lawful to the extent that it meets the requirements of the Fourth Amendment. Stops and arrests are seizures. Stops must be based on reasonable suspicion. Arrests must be based on probable cause.

Deputies may stop individuals or conduct field interviews only when reasonable suspicion is present. In establishing reasonable suspicion the deputy must be able to describe specific facts or observations which, when taken together with rational inferences, reasonably justify the stop. Such facts or observations may include, but are not limited to, the following:

Search and Seizure

- (a) Behaviors that suggest the person is part of a criminal activity or enterprise, or is engaged in a criminal act.
- (b) Time of day or night.
- (c) Individual's presence in an area of a known offense soon after its commission or in an area known for the type of criminal activity upon which the suspicion is based.
- (d) Knowledge of the suspect's prior record or involvement in criminal activity.
- (e) Suspect flees at the sight of a deputy under conditions that suggest a specific criminal activity.
- (f) The suspects clothing bulges in a manner that suggests he/she is carrying a weapon.

An anonymous tip that an individual has engaged or about to engage in criminal conduct is not sufficient to justify a stop without independent evidence of criminal activity apart from the anonymous tip. Based on an anonymous tip, deputies may respond to a location and observe a suspect's movements to see if the tip is credible or reliable. Deputies must then use their own observations of the suspect to determine whether they have the reasonable suspicion necessary for the stop.

Contacts are not seizures within the meaning of the Fourth Amendment as they are voluntary interactions and the individual contacted is free not to respond or to walk away. During a contact, deputies must not use any words or actions, demeanor, or other show of authority that would tend to communicate that a person is not free to go.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- (a) Valid consent - The validity of the consent depends on whether the person has the capacity to provide consent and whether the consent is given voluntarily. Deputies should consider the individuals intelligence, education, and the presence of any coercion in determining whether consent is valid. Third-party consent can be valid under certain conditions, but generally landlords cannot provide consent to search.
- (b) Incident to a lawful arrest - Deputies may, incident to a lawful arrest, search an arrestee's person and the area within the arrestee's immediate control.
- (c) Legitimate community caretaking interests - Deputies may conduct a search as part of a general law enforcement responsibility to render aid, assist those who cannot care for themselves, and provide other community services on an emergency basis. Deputies must have probable cause to believe that these conditions are present, however.

Search and Seizure

- (d) Vehicle searches under certain circumstances - Deputies may search a vehicle if they have probable cause to believe that the vehicle contains evidence of contraband. The search must be limited to those areas where such contraband may be hidden. Deputies may also search a vehicle incident to a lawful arrest, but may only search those areas within the arrestee's immediate control. Inventory searches pursuant to a lawful police vehicle impoundment are also permitted.
- (e) Exigent circumstances - Deputies may conduct an immediate, warrantless search or seizure as a part of their investigative functions if there is probable cause to believe that delay in getting a warrant would result in the loss of evidence, escape of the suspect, or frustration of law enforcement efforts.

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. These activities are not considered unlawful under the Fourth Amendment because the individual does not have a reasonable expectation of privacy in the area or property being searched or seized. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas. It does not include the curtilage surrounding a home. Pursuant to the "Plain View" doctrine, deputies may seize contraband that is clearly visible as long as they are in a constitutionally permitted area when they observe the contraband.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this office is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Because of this ever changing dynamic, all CCMO deputies will be required to attend by-annual training, specifically dealing with Search and Seizure law updates, best practices, tactics and processes.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

312.3.1 UTAH PAROLE SEARCHES

Absent a search warrant or other legal authority a deputy may search the residence of a person on parole only after obtaining approval from a parole officer. In other circumstances where a deputy stops a parolee and conducts a search of the parolee's person, personal effects or vehicle, the deputy shall notify a parole officer as soon as reasonably practicable after conducting the search (Utah Code 77-23-301(3)(a) and (b)). Deputies shall not request or conduct a parole search for the purpose of harassment (Utah Code 77-23-301 (4)).

312.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this office will strive to conduct searches with dignity, professionalism, courtesy and respect.

Search and Seizure

- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines will be followed:
 - 1. Another deputy or a supervisor should witness the search.
 - 2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.
 - 3. When dealing with individuals who are transgender, deputies shall not make offensive statements about the person being searched, and not ask questions about the transgender process.
 - 4. Deputies shall address the person by their preferred or legal name.
 - 5. Whenever possible a transgender person should be searched by a deputy of the same gender that the person identifies with.
- (f) Deputies shall not use or rely on information known to be materially false or incorrect in effectuating an investigatory stop or detention, or in establishing reasonable suspicion for a search.
- (g) Deputies shall not compromise their safety, or other officer's safety, in order to justify searches.
- (h) Deputies shall not detain non-occupants present at the location where the search warrant is executed for longer than reasonably necessary to secure the area or determine whether they are occupants of the premises being searched, unless the deputy has reasonable suspicion that non-occupant is involved in the criminal activity or poses a danger to officer safety.

312.5 UTAH IMAGING SURVEILLANCE DEVICE

A deputy may not operate an imaging surveillance device to obtain information, not otherwise directly observable, about individuals, items, or activities within a closed structure unless (Utah Code 77-23-d-103):

- (a) A warrant has been obtained.
- (b) Testing equipment or training is being performed.
 - 1. Training or testing may not be conducted as part of a criminal investigation or law enforcement activity.

Search and Seizure

2. Testing or training requires the consent of the individuals imaged and the owners of the property to be imaged.
- (c) Exigent circumstances exist.
 - (d) While in fresh pursuit of a person suspected of committing a felony.

312.6 DOCUMENTATION

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- (a) Reason for the search including the facts that established a legal justification for the search.
- (b) Any efforts used to minimize the intrusiveness of any search or any damage to be incurred (e.g., asking for consent or keys).
- (c) What, if any, injuries or damage occurred.
- (d) All steps taken to secure property.
- (e) The results of the search, including a description of any property or contraband seized.
- (f) If the person searched is the opposite sex, or identified as transgender, any efforts to summon a deputy of the same sex as the person being searched (or as the sex that the transgender individual identifies with) and the identification of any witness deputy

Deputies shall use accurate and specific descriptive language and not rely solely on "boiler plate" or "pat" language in any reports documenting investigatory stops, detentions, or searches. Articulation of reasonable suspicion and probable cause shall be specific and clear.

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and adhere to law and CCMO policy.

Temporary Custody of Juveniles

313.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the CCPD (34 U.S.C. 11131(a)(11), (12), & (13)).

313.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile 17 years of age or younger who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., a "status" offense, such as truancy, running away from home) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense), or a juvenile who has violated ARS § 13-3111 by possessing a handgun (34 U.S.C. 11131(a)(11)(A)(i)(citing 18 U.S.C. 922(x)(2)(A)).

Non-secure custody - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecured booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

Temporary Custody of Juveniles

- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

Status offender - A juvenile suspected of committing a violation of the law that would not be a violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

313.2 POLICY

The CCPD is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the CCPD. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

313.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the CCPD:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously
- (f) Violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the CCPD unless they have been evaluated by a qualified medical and/or mental health professional.

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

313.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the CCPD when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the CCPD without authorization of the arresting deputy's supervisor or the Marshal.

Temporary Custody of Juveniles

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the CCPD (34 U.S.C. 11131(a)(11),(12), & (13); (ARS § 8-305); (Utah Code 78A-6-112(4)(a)); (Utah Code 62A-7-201); (UAC R547-7-3).

313.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the CCPD. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure detention (34 U.S.C. 11131(a)(11),(12), & (13); UAC R547-7-3(24)).

313.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 U.S.C. 11131(a)(11), (12), & (13);(UAC R547-7-3(24)).

313.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the CCPD unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Juvenile offenders shall be taken into custody:

- (a) Upon an order of the juvenile court (ARS § 8-303(B)(1)).
- (b) Pursuant to a warrant (ARS § 8-303(B)(2)).
- (c) When the deputy has reasonable grounds to believe a juvenile has committed a criminal act or a delinquent act, which, if committed by an adult, would be a felony or breach of the peace (ARS § 8-303(D)(1)).
- (d) When a juvenile has been apprehended in the commission of a criminal act or a delinquent act, which if committed by an adult would be a felony, or who was apprehended in fresh pursuit (ARS § 8-303(D)(2)).

Juveniles taken into custody pursuant to ARS § 8-303(D) may only be released to the parents, guardian, custodian, or the juvenile court (ARS § 8-303(F)). Juveniles who are going to be transported to the juvenile court or a designated juvenile detention facility must be transported without delay.

313.5 UTAH CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the CCMO unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

A juvenile offender may be taken into custody without order of the court if:

Temporary Custody of Juveniles

- (a) In the presence of the deputy the juvenile has violated a state law, federal law, local law or municipal ordinance.
- (b) There are reasonable grounds to believe the juvenile has committed an act which, if committed by an adult, would be a felony.

Deputies who take an alleged juvenile offender into temporary custody shall ensure the juvenile is sight and sound separated from adults in custody and without unnecessary delay, notify the parents, guardian or custodian (Utah Code 78A-6-112(3)(a)(i); Utah Code 76-10-1302).

A juvenile offender may not be held in temporary custody any longer than six hours and only to obtain the juvenile's name, age, residence and other necessary information, and to contact the juvenile's parents, guardian or custodian (Utah Code 78A-6-112(4)).

The juvenile offender shall be released to the care of a parent or other responsible adult, unless the deputy reasonably believes the juvenile's immediate welfare or the protection of the community requires the juvenile's detention (Utah Code 78A-6-112(4)). Before releasing the juvenile offender, the parent or other person taking custody of the juvenile shall be required to sign a written promise to bring the juvenile to the court at the specified date and time (Utah Code 78A-6-112(3)(d)).

If the juvenile offender is not released, the juvenile shall be taken to a place of detention or shelter within six hours (Utah Code 78A-6-112(4); UAC R547-7-3(14); 34 U.S.C. 11131(a)(11)(12), & (13)).

If the juvenile is taken into custody for the offense of prostitution or sexual solicitation, he/she shall be taken to an authorized receiving center (Utah Code 76-10-1302).

The deputy who takes a juvenile offender to a detention or shelter facility shall promptly file with the detention or shelter facility a written report on a form provided by the division. This should include the details of the presently alleged offense, the facts which bring the juvenile within the jurisdiction of the juvenile court and the reason the juvenile was not released by the Department (Utah Code 78A-6-112(5)).

313.6 ADVISEMENTS

Whenever a juvenile is taken into custody, [an officer-deputy] shall advise the juvenile before questioning of their Juvenile *Miranda* rights in a language that is comprehensible to the juvenile (ARS 8-303).

Deputies taking a juvenile into custody shall, as soon as practicable, make a good-faith effort to notify the juvenile's parent, guardian, or custodian of the following (ARS § 8-803):

- (a) That the juvenile is in custody, unless doing so would pose a risk to the juvenile. If the juvenile is a ward of the state, the Department of Child Safety shall be notified.
- (b) The juvenile's Juvenile *Miranda* rights
- (c) Whether a complaint will be sent to the juvenile court (ARS § 8-307)

Temporary Custody of Juveniles

313.6.1 UTAH ADVISEMENTS

If a juvenile offender is taken into custody for a violent felony, as defined in Utah Code 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5 (Weapons), the deputy shall, as soon as practicable or as established under Utah Code 53A-11-1001(2), notify the school superintendent of the district in which the juvenile offender resides or attends school for the purposes of the juvenile's supervision and student safety. The notice shall disclose only (Utah Code 78A-6-112(3)(b)):

- (a) The name of the juvenile.
- (b) The offense for which the juvenile was taken into custody or detention.
- (c) If available, the name of the victim, if the victim either resides in the same school district as the juvenile or attends the same school as the juvenile.

If the juvenile is taken into custody for the offense of prostitution or sexual solicitation, the deputy shall notify the Department of Child and Family Services (DCFS) (Utah Code 76-10-1302).

313.7 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Office, the detention shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the CCPD.
- (c) Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure detention.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Supervisor shall initial the log to approve the detention, including any secure detention, and shall also initial the log when the juvenile is released.

313.8 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 U.S.C. 11131(a)(11),(12), & (13); ARS § 8-305); (Utah Code 62A-7-201(3)). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the CCPD shall maintain a

Temporary Custody of Juveniles

constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

313.9 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the CCPD shall ensure the following:

- (a) The Supervisor should be notified if it is anticipated that a juvenile may need to remain at the CCPD more than four hours. This will enable the Supervisor to ensure no juvenile is held at the CCPD more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

Temporary Custody of Juveniles

313.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the CCPD when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

313.11 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the CCPD shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the CCPD.

313.12 SECURE CUSTODY

Only juvenile offenders 14 years or older may be placed in secure custody. Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this office should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

313.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

Temporary Custody of Juveniles

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire detention.
- (b) Juveniles shall have constant auditory access to office members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by staff member, no less than every 15 minutes, shall occur.
 - 1. All checks shall be logged.
 - 2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

313.13 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Supervisor will ensure procedures are in place to prevent suicide by juvenile detainees and to address the suicide attempt, death or serious injury of any juvenile held at the CCPD. The following procedures will be followed:

- (a) The juvenile will remain under constant visual supervision while at CCMO.
- (b) The juvenile will be placed in an area that has been checked to make sure there are no known devices that would enable suicide.
- (c) The juvenile will be offered food and water.
- (d) The juvenile will have immediate access to family visitation including phone calls with a parent and/or guardian.

If a suicide attempt, death or serious injury occurs these procedures will be followed:

- (a) Immediate notification of the on-duty supervisor, Marshal and Patrol supervisor.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the Town Attorney.
- (e) Evidence preservation.

313.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation. All interviews and interrogations of juveniles will be recorded.

Temporary Custody of Juveniles

A juvenile under 14 years of age should have a parent, guardian or legal custodian present when the juvenile makes a Miranda waiver (Utah R. Juv. P. Rule 26).

All juveniles will be notified of their right to counsel and provided access to counsel as appropriate.

313.15 UTAH RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender 14 years of age or older may be photographed or fingerprinted by the Division of Juvenile Justice Services upon admission to a detention facility or upon order of a juvenile court. A deputy should not photograph or fingerprint a juvenile (Utah Code 78A-6-1104).

313.16 UTAH RECORDS

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a minor. Juvenile record disclosures are governed by Utah Code, Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA) and the federal Family Educational Rights and Privacy Act (FERPA) (Utah Code 78A-6-112(3)(b)(iii)).

Deputies shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

The supervisor should maintain a copy of any current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms.

Only information authorized by law will be released to other agencies. It shall be the responsibility of the supervisor to ensure that personnel of those bureaus act within legal guidelines.

Adult Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for CCPD members as required by law.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

314.2 POLICY

The CCPD will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

314.3 MANDATORY NOTIFICATION

Members of the CCPD shall notify Adult Protective Services (APS) when there is a reasonable basis to believe that abuse, neglect, or exploitation of a vulnerable adult has occurred. Members shall also notify APS when a member receives a report of vulnerable adult abuse (ARS § 46-454).

For purposes of notification, abuse includes intentional infliction of physical harm, injuries caused by negligent acts or omissions, unreasonable confinement, sexual abuse, sexual assault, or emotional abuse. Neglect is the deprivation of food, water, medication, medical services, shelter, supervision, cooling, heating, or other services necessary to maintain a vulnerable adult's minimum physical or mental health. Exploitation is the illegal or improper use of a vulnerable adult or the vulnerable adult's resources for another's profit or advantage (ARS § 46-451).

A vulnerable adult is an individual who is 18 years or older and unable to protect themselves from abuse, neglect, or exploitation by others because of a physical or mental impairment. Vulnerable adult includes an incapacitated person as defined in ARS § 14-5101 (ARS § 46-451).

314.3.1 UTAH MANDATORY NOTIFICATION

Members shall also notify APS when the member receives a report of adult abuse from a third party (Utah Code 62A-3-305).

For purposes of notification (Utah Code 62A-3-301):

- (a) Abuse includes, but is not limited to the intentional infliction of harm or emotional abuse, the exploitation or the neglect of an elder or vulnerable adult.
- (b) Elder adult means someone age 65 or older.

Adult Abuse

- (c) Vulnerable adult means a person age 18 or older who has a mental or physical impairment which substantially affects the person's ability to provide for themselves or their own personal protection.

314.3.2 NOTIFICATION PROCEDURE

Notification should occur as follows (ARS § 46-454):

- (a) All notifications to APS shall be made as soon as practicable in person or by telephone.
- (b) Information provided to APS shall include, if known:
 1. The names and addresses of the adult and any persons having control or custody of the adult, if known.
 2. The adult's age and the nature and extent of the adult's vulnerability.
 3. The nature and the extent of the adult's injuries or physical neglect or the exploitation of the adult's property.
 4. Any other information that may be helpful in establishing the cause of the adult's injures or physical neglect or of the exploitation of the adult's property.

314.3.3 UTAH NOTIFICATION PROCEDURE

Notification should occur either by telephone or by utilizing the online reporting form provided by APS immediately or as soon as practicable.

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

314.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.

Adult Abuse

- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name, and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable (ARS § 46-454).
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

314.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to APS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

Adult Abuse

314.6.1 UTAH PROTECTIVE CUSTODY

Same as Arizona (above) to include the following:

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

314.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

314.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

Adult Abuse

314.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Patrol supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Patrol supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the adult.

314.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Patrol supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Arizona requires or permits the following:

314.10.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

- (a) Providing a copy of the adult abuse report to the APS as required by law (ARS § 46-454).
- (b) Retaining the original adult abuse report with the initial case file.

314.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

Adult Abuse

314.10.3 UTAH RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Utah Code 62A-3-312).

314.11 TRAINING

The Office should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

This policy is intended to prevent office members from being subjected to discrimination or sexual harassment.

315.2 POLICY

The CCPD is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect (Utah Anti-Discrimination Act, Utah Code, Title 34A, Chapter 5).

The non-discrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

315.3 DISCRIMINATION PROHIBITED

315.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an employee's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or office equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to office policy and to the office's commitment to a discrimination free work environment.

315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination,

Discriminatory Harassment

participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

315.3.3 SEXUAL HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

315.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Arizona Civil Rights Act.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with Town or office rules or regulations, or any other appropriate work-related communications between supervisor and member.

315.4 RESPONSIBILITIES

This policy applies to all office personnel. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional law enforcement standards and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Marshal, HR Director or the Town Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Discriminatory Harassment

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

315.4.1 SUPERVISOR RESPONSIBILITIES

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure that their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Marshal or HR Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

315.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the office and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of

Discriminatory Harassment

discrimination or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

315.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency, dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Marshal, HR Director or the Town Manager.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

315.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Marshal. The outcome of all reports shall be:

Discriminatory Harassment

- Approved by the Marshal, the Town Manager or the HR Director if more appropriate.
- Maintained for the period established in the office's records retention schedule.

315.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

315.8.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Marshal, the HR Director or the Town Manager for further information, direction or clarification.

Child Abuse

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when CCPD members are required to notify the Arizona Department of Child Safety (DCS), or Utah Division of Child and Family Services (DCFS) of suspected child abuse.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service or law enforcement agency (ARS § 13-3620(A); Utah Code 62A-4a-403).

317.2 POLICY

The CCPD will investigate all reported incidents of alleged criminal child abuse and ensure DCS is notified as required by law.

317.3 MANDATORY NOTIFICATION

Members of the CCPD shall notify DCS when they reasonably believe that a child is or has been the victim of abuse or neglect by a person with care, custody, or control of the child (ARS § 13-3620(A) and (H)).

Any supervisor who reasonably believes that reportable abuse has occurred and has not been reported shall ensure that a report is made (ARS § 13-3620(A)).

For purposes of notification, abuse or neglect includes physical abuse, sexual abuse, sexual exploitation, and other criminal sexual offenses, criminal child abuse under ARS § 13-3623, denial of necessary care or nourishment, or a child found in any structure or vehicle where volatile, toxic, or flammable chemicals or equipment is present with the intent and for the purpose of manufacturing dangerous drugs (ARS § 13-3620; ARS § 8-201).

A notification to DCS is not required under this section for sexual abuse (ARS § 13-1404) and sexual conduct with a child (ARS § 13-1405) if the conduct only involves those who are 14, 15, 16, or 17 years of age and there is nothing to indicate that the conduct is other than consensual.

317.3.1 UTAH MANDATORY NOTIFICATION

Members of the CCMO shall notify DCFS when there is reason to believe that a child has been subjected to abuse or neglect, when they observe a child being subjected to conditions or

Child Abuse

circumstances that would reasonably result in abuse or neglect or when any person notifies the member of abuse or neglect (Utah Code 62A-4a-403).

For purposes of notification, abuse includes, but is not limited to, non-accidental harm or threatened harm of a child (e.g., physical, emotional or developmental injury or damage), sexual abuse (e.g., bigamy, incest, lewdness), sexual exploitation of a child, human trafficking of a child or causing the intentional death of the child's parent by his/her natural parent. Abuse does not include reasonable discipline, restraint, weapon removal or management of a child or other legally justifiable acts (Utah Code 62A-4a-101; Utah Code 78A-6-105).

317.3.2 NOTIFICATION PROCEDURE

Notification should occur as follows (ARS § 13-3620(D)):

- (a) Notification shall be made immediately by telephone or electronically to DCS.
- (b) Notification shall contain at a minimum:
 - 1. The names and addresses of the child and the child's parents or the person or persons having custody.
 - 2. The child's age and the nature and extent of the child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
 - 3. Any other information that the person believes might be helpful in establishing the cause of the child abuse, physical injury or neglect.

317.3.3 UTAH NOTIFICATION PROCEDURE

Notification should occur as follows (Utah Code 62A-4a-403):

- (a) Notification shall be made immediately to the nearest DCFS office.
- (b) The date and time of notification should be documented in the related report.

317.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities. In Utah they shall be conducted in the Children Justice Center.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

Child Abuse

317.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

317.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact DCS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action

Child Abuse

reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to DCS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (ARS § 8-821(B)) (Utah Code 62A-4a-202.1; Utah Code 78A-6-106):

- (a) With a court order authorizing the removal of a child
- (b) Without a warrant when a deputy obtains the consent of the child's parent or guardian.
- (c) Without a court order if temporary custody is clearly necessary to protect the child because probable cause exists to believe:
 1. The child is a victim or will imminently become a victim of abuse or neglect.
 2. The child is suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist.
 - i. If a child is taken pursuant to this provision, the deputy shall immediately have the child examined by a medical doctor or psychologist.
 - ii. After the examination the deputy shall release the child to the parent or guardian unless the examination reveals abuse or neglect (ARS § 8-821(D)).
 3. The child is physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured.
 4. DCS has reported the child missing and at risk of serious harm.

The above may apply to removing a child from a home or school as well as from a parent or guardian. When there is no imminent danger to the child, the deputy should contact the city or county prosecutor for guidance and direction prior to removal.

317.6.1 UTAH NOTICE AFTER PROTECTIVE CUSTODY

A deputy who takes a child into protective custody shall immediately use reasonable efforts to locate and inform, through the most efficient means available, the child's parents, non-custodial parents, guardian or responsible relative of the information set forth in Utah Code 62A-4a-202.2. This notice should include the written information prepared by the Utah Attorney General. Such efforts to provide this notification should be documented in the related report.

Child Abuse

317.6.2 SAFE HAVEN LAW PROVISIONS

A person is not guilty of abuse of a child pursuant to ARS § 13-3623(B) solely for leaving an unharmed newborn infant with a safe haven provider, such as hospital staff and firefighters (ARS § 13-3623.01). The law requires the safe haven provider to notify DCS.

317.6.3 UTAH SAFE HAVEN LAW

A birth parent or parent's designee may leave a newborn child, age 72 hours or less at any Utah hospital that is open 24 hours. The hospital is responsible for contacting DCFS within 24 hours of receiving the infant and DCFS assumes legal custody of the infant (Utah Code 62A-4a-801; Utah Code 62A-4a-802).

317.6.4 NOTICE OF TAKING A CHILD INTO TEMPORARY CUSTODY

When a deputy takes a child into temporary custody, the deputy shall provide written notice within six hours to the parent or guardian as required by ARS § 8-823 unless notification is being provided to the parent or guardian by DCS.

317.7 INTERVIEWS

317.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

317.7.2 UTAH INTERVIEWS OF CHILDREN IN STATE CUSTODY

Deputies should not interview a child who is in the custody of DCFS without the consent of the child's guardian ad litem. If a guardian ad litem has not been appointed, consent may be given by DCFS (Utah Code 62A-4a-415).

317.7.3 UTAH RECORDED INTERVIEWS

All recorded interviews should be conducted at the Children's Justice Center. A parent or guardian of a child victim may view a recorded interview of the child unless (Utah Code 77-37-4):

- (a) The suspect is also a parent or guardian of the child victim.
- (b) The suspect resides in the home with the child victim.
- (c) The investigator reasonably believes that allowing the parent or guardian to review the recording would compromise or impede the investigation.

The investigator should coordinate with the Children's Justice Center to ensure the viewing takes place within two business days of the request.

Child Abuse

317.7.4 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

317.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the deputy or notified supervisor should contact the city or county prosecutor and consider obtaining a court order for such an examination.

317.8.1 MEDICAL EXAMINATION PURSUANT TO EXIGENT CIRCUMSTANCES

When a child is taken into protective custody because of exigent circumstances, the deputy shall immediately have the child examined by a licensed physician or licensed health care provider with the required specific training for evaluations of child abuse (ARS § 8-821).

- (a) After the examination, the deputy shall release the child to the parent or guardian unless the examination reveals abuse or neglect.

317.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

317.9.1 SUPERVISOR RESPONSIBILITIES

The Supervisor should:

- (a) Work with professionals from the appropriate agencies, including DCS, other law enforcement agencies, medical service providers and local prosecutors to develop

Child Abuse

community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

- (b) Activate any available interagency response when a deputy notifies the Patrol Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

317.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Supervisor so an interagency response can begin.

317.10 STATE MANDATES AND OTHER RELEVANT LAWS

State law permits the following:

317.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

317.10.2 LOCAL PROTOCOL

The Patrol Supervisor should ensure that any local protocol regarding child abuse investigations is available to office members.

317.10.3 CHILD FATALITY REVIEW

This office will cooperate with any interagency child fatality review team investigation. Records in a pending criminal investigation may be withheld from the team with prosecution approval (ARS § 36-3503).

317.10.4 UTAH RETENTION REQUIREMENTS

Recordings of any interview of a child during the investigation of an allegation of any sexual abuse of the child shall be retained for 18 years following the date of the last recording, unless the prosecuting attorney requests in writing that the recording be retained for an additional period of time (Utah Code 24-2-103).

Child Abuse

317.11 TRAINING

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

318.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

318.1.1 DEFINITIONS

Definitions related to this policy include:

At-risk - Includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 1. Out of the zone of safety for his/her chronological age and developmental stage.
 2. Mentally or behaviorally disabled.
 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
 5. In a life-threatening situation.
 6. In the company of others who could endanger his/her welfare.
 7. Absent in a way that is inconsistent with established patterns of behavior and that cannot be readily explained. Most children have an established and reasonably predictable routine.
 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
- (c) Qualify for a state AMBER Alert™.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person under the age of 18 whose location has not been determined and who has been reported missing, abducted, lost, or is a runaway (ARS § 15-829; ARS § 36-339).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), and the Arizona Crime Information Center (ACIC).

318.2 POLICY

The CCPD does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The

Missing Persons

CCPD gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

318.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Patrol supervisor shall ensure the following forms and kits are developed and available:

- Missing Person Report Form
- Missing Person Investigation Checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing Person School Notification Form
- Medical Records Release Form
- Biological sample collection kits

318.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

318.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at-risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at-risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at-risk. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at-risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
 1. Immediately when the missing person is at-risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

Missing Persons

3. For missing children entries include a photograph if available, and all necessary and available information as prescribed in ARS § 8-901.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
1. A photograph and fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

318.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

318.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

Missing Persons

318.7 PATROL FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified as soon as practicable if the missing person is a juvenile (ARS § 15-829).
 1. The notice shall be in writing and should also include a photograph.
 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Shall notify the state registrar in the state of the child's birth. This notification shall include the child's name, date of birth, and county of birth (ARS § 36-339).
- (c) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (e) Shall verify and update ACIC, the NCIC, NamUs, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
 1. Updates should include any additional information, including, where available, medical and dental records, and a photograph taken during the previous 180 days (ARS § 8-901).
- (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (g) Shall maintain a close liaison with state and local welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308; ARS § 8-901).
- (h) Should make appropriate inquiry with the Medical Examiner.
- (i) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Department of Public Safety (DPS) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (k) Notify the National Center for Missing and Exploited Children when a report is received of a missing child who is in the foster care system (ARS §8-901).

Missing Persons

- (l) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

318.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to NCIC, NamUs, ACIC, and DPS.
- (b) A missing child's school is notified.
- (c) The state registrar in the state of the child's birth is notified (ARS § 36-339).
- (d) Entries are made in the applicable missing person networks.
- (e) When a person is at risk the fact that the person has been found shall be reported within 24 hours to NCIC, NamUs, ACIC, and DPS.
- (f) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

318.8.1 UNIDENTIFIED PERSONS

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

318.9 CASE CLOSURE

The supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Colorado City or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

Missing Persons

- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

318.10 TRAINING

Subject to available resources, the Marshal or his designee should ensure that members of this office whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of office members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., internet use, cell phone use).
- (n) Media relations.

Public Alerts

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

319.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

319.3 RESPONSIBILITIES

319.3.1 MEMBER RESPONSIBILITIES

Members of the CCPD should notify their supervisor, as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

319.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Marshal and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Public Alert Reporting Officer

319.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Marshal shall designate a Public Alert Reporting Officer who is responsible for:

- (a) Remaining familiar with the protocols for activating, maintaining, and canceling all applicable public alerts.
- (b) Activating, maintaining, and canceling all public alerts.
- (c) Being the point of contact with the Arizona AMBER Alert Oversight Committee.
- (d) Ensuring the Office has AMBER Alert plan representatives who have completed appropriate training. Training may be provided by the Arizona Department of Public Safety (DPS) or suggested by the Arizona AMBER Alert Oversight Committee.

Public Alerts

- (e) Presenting a briefing to the Arizona AMBER Alert Oversight Committee at the next scheduled meeting following the activation of an Arizona AMBER Alert.

319.4 AMBER ALERTS

The Arizona AMBER Alert is a voluntary partnership between law enforcement agencies and local broadcasters to rapidly disseminate an emergency alert to the public when a child is abducted or missing under emergency circumstances and the child may be in danger of serious bodily harm or death.

319.4.1 CRITERIA

Certain criteria must exist before an AMBER Alert™ will be issued:

- (a) An abduction of a child (under 18) has occurred.
- (b) The abduction poses a credible threat of immediate danger of serious bodily injury or death to the child.
- (c) The child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible or specific threat of serious bodily injury or death to the child.
- (d) There is sufficient descriptive information about the child, abductor and the circumstances surrounding the abduction to indicate that an AMBER Alert will locate the child and/or suspect.
- (e) There is information available to disseminate to the general public, which could assist in the safe recovery of the child and/or the apprehension of the suspect.

319.4.2 PROCEDURE

A member who receives a report of an abduction of a child should advise the Public Alert Reporting Officer or the authorized designee without delay. The Public Alert Reporting Officer will review the information to ensure that alert criteria are met and will be responsible for:

- (a) Calling the AMBER Alert Hotline at the Arizona DPS Duty Office.
- (b) Calling the appropriate AMBER Alert broadcast station and providing the necessary information to activate the EAS.
- (c) Entering the appropriate information into the AMBER Alert system.
 1. The information entered into the system may be updated by DPS or the Public Alert Reporting Officer.
- (d) Promptly entering the missing child and crucial information surrounding the AMBER Alert and an AMBER Alert flag into the National Crime Information Center (NCIC) system.
- (e) Promptly forwarding the alert information to all Arizona law enforcement agencies through the Arizona Law Enforcement Telecommunications System (ALETS) or other appropriate database.

Public Alerts

- (f) Ensuring that the appropriate telephone numbers for contact and follow-up are entered, including:
 - 1. A telephone number for the public to provide tips and information on the missing child.
 - 2. A confidential number restricted to other law enforcement agencies and the media to contact the Public Information Officer for follow-up and updates as an alternative to the 9-1-1 system.
 - 3. A confidential number restricted to other law enforcement agencies to quickly provide information that could be crucial to the investigation or the safety of the victim.
- (g) Obtaining a photograph of the missing person and/or suspect as soon as practicable and disseminating it to the appropriate entities.

The Public Information Officer should be constantly updated in order to utilize the media as much as possible and obtain the maximum exposure for the case.

Involved personnel will continually provide the Public Alert Reporting Officer or the authorized designee and the Public Information Officer with any updated information.

319.5 ENDANGERED PERSON ALERTS

The Endangered Person Alert is a voluntary partnership between law enforcement and local broadcasters designed to rapidly disseminate information about missing and endangered persons to law enforcement agencies, broadcasters, and the public.

319.5.1 CRITERIA

Certain criteria must exist before an Endangered Person Alert will be issued:

- (a) The missing person is 18 years old or older.
- (b) The person is missing under unexplained, involuntary, or suspicious circumstances.
- (c) The person is believed to be in danger of death or serious bodily injury because of his/her health, a medically diagnosed mental or physical disability, the environment or weather conditions, because he/she is in the company of a potentially dangerous person, or some other factor that may put the person in danger.
- (d) There is information that could help the public to assist in the recovery of the missing person.

319.5.2 PROCEDURE

A member who receives a report of a missing and endangered person should advise the Public Alert Reporting Officer or the authorized designee without delay. The Public Alert Reporting Officer will review the information to ensure the alert criteria are met and will be responsible for:

- (a) Preparing or assigning preparation of the Endangered Person Alert using the Attempt to Locate (ATL) code on the Arizona Criminal Justice Information System (ACJIS). The words "Endangered Person Alert" should be included in the title of the entry.

Public Alerts

- (b) Entering the information into NCIC using the proper message key: Missing (MNP), Endangered (EME), Involuntary (EMI).
- (c) Obtaining a photograph of the missing person and/or suspect as soon as practicable and disseminating it to the appropriate entities.

The Public Information Officer should be constantly updated in order to utilize the media as much as possible and obtain the maximum exposure for the case.

Involved personnel should continually provide the Public Alert Reporting Officer or the authorized designee and the Public Information Officer with any updated information.

319.6 BLUE ALERTS

Blue Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state, or federal law enforcement officer (ARS § 41-1726).

319.6.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued:

- (a) A law enforcement officer has been killed or seriously injured by an offender.
- (b) The investigating law enforcement agency has determined that the offender poses a serious risk or threat to the public and other law enforcement personnel.
- (c) A detailed description of the offender's vehicle, vehicle tag, or partial tag is available for broadcast to the public.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

319.6.2 PROCEDURE

The following is the procedure for initiating a Blue Alert:

- (a) Upon confirmation of the Blue Alert criteria, the Public Alert Reporting Officer shall ensure that procedures consistent with the DPS guidelines for activation and cancellation are followed.

319.7 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is 65 years of age or older or who has a developmental disability, Alzheimer's disease, or dementia (ARS § 41-1728).

319.7.1 CRITERIA

The following criteria are utilized to determine if a Silver Alert should be issued:

- (a) The missing person is 65 years of age or older or has a developmental disability, Alzheimer's disease, or dementia.
- (b) All available local resources have been utilized.

Public Alerts

- (c) A determination has been made that the person has gone missing under unexplained or suspicious circumstances.
- (d) The missing person is in danger because of age, health, mental or physical disability, or environment or weather conditions.
- (e) The missing person is in the company of a potentially dangerous person or there are other factors indicating the missing person may be in peril.
- (f) Public dissemination of available information could assist in the safe recovery of the missing person.

319.7.2 PROCEDURE

The following is the procedure for initiating a Silver Alert:

- (a) Upon confirmation of the Silver Alert criteria, the Public Alert Reporting Officer shall ensure that procedures consistent with the DPS guidelines for activation and cancellation are followed.

319.8 UTAH AMBER ALERTS

AMBER Alert is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement. The AMBER Alert Plan is tested every year on January 13 and August 26.

The AMBER Alert does not preclude any law enforcement agency from utilizing or implementing in-house procedures, policies or practices.

319.8.1 UTAH AMBER ALERT CRITERIA

AMBER Alerts are not to be used for cases involving custodial disputes or runaways that do not meet the criteria. The Department may consider issuing an Endangered Missing Advisory to inform law enforcement and the public about cases that don't meet the criteria for an AMBER Alert.

The four criteria required for an AMBER Alert are as follows:

- (a) A confirmed abduction (non-family, non-custodial).
- (b) The child is 17-years of age or younger.
- (c) There is evidence the child is in danger of serious bodily harm or death.
- (d) There is sufficient information available to give out to the public that could assist in the safe recovery of the victim and/or the apprehension of a suspect.

319.8.2 UTAH AMBER ALERT PROCEDURE

AMBER Alerts are initiated solely by Utah law enforcement agencies utilizing the Utah AMBER Alert Information Form and by meeting the guidelines set forth on that form. The supervisor in charge of the investigation should ensure:

Public Alerts

- (a) The Bureau of Criminal Identification (BCI) is contacted and informed an alert is about to be sent.
- (b) The Utah AMBER Alert Form is prepared using the Utah Criminal Justice Information System (UCJIS) in full (UAA message). A Field AMBER Alert Information Form is available on the Utah Attorney General Office website to help you gather information.
- (c) The information (plus photo if available) is entered in the National Crime Information Center (NCIC) using the AMBER Alert Flag (AA).
- (d) "Hotline" telephone banks are set up and staffed. Consider allocating additional resources from other law enforcement agencies.
- (e) A photograph of the abducted child and/or suspect is obtained and as soon as possible and emailed or faxed to Utah AMBER Alert.
- (f) A Press Information Officer is appointed to handle the press. Once the alert has been activated, media coverage can be overwhelming. The PIO should be updated constantly to utilize the media as much as possible and receive the maximum exposure for the case.
- (g) The supervisor may also consider the following resources as the circumstances dictate:
 - 1. The regional Child Abduction Response Team (CART).
 - 2. The State of Utah CART.
 - 3. Federal Bureau of Investigation (FBI Local Office).
 - 4. Prompt entry of information into the Department of Justice Missing Person System (MUPS/NCIC).
 - 5. National Center for Missing and Exploited Children.
 - 6. Regional dispatchers may notify law enforcement agencies within their jurisdiction.
 - 7. BCI can contact other states if an AMBER Alert needs to be broadcast outside of Utah. BCI can also provide training or training materials.
 - 8. The Utah Public Information Officer Association can provide assistance.
 - 9. A Child is Missing will contact residents and businesses in the area where the child was last seen by using an automated telephone system. The service is free.
 - 10. Team Adam Provides experienced child abduction investigators, technical assistance and equipment for free of charge to agencies during child abduction and sexual exploitation investigations.
 - 11. Project Alert Provides retired federal, state and local law enforcement officers who volunteer their time and expertise as unpaid consultants in missing or exploited child cases. All travel arrangements and costs are paid for by NCMEC.
 - 12. Laura Recovery Center will help organize community ground searches. The non-profit organization offers its services for free.

Public Alerts

- (h) The supervisor shall ensure the assigned PIO is provided updates regarding the search and investigation, and notified immediately upon locating the abducted child.

319.9 UTAH BLUE ALERTS

CRITERIA

The four criteria required for a BLUE Alert are as follows:

- (a) A law enforcement officer has been killed, seriously injured or assaulted with a deadly weapon by the suspect.
- (b) The suspect is an imminent threat to the public and other law enforcement personnel.
- (c) There is information available for the public about the suspect, the suspect's vehicle and vehicle tag.
- (d) Public dissemination of available information will help avert further harm or accelerate apprehension of the suspect.

319.9.1 UTAH BLUE PROCEDURE

BLUE Alerts are initiated solely by Utah law enforcement agencies through UCJIS and by contacting the BCI.

In the event of an assault with a deadly weapon, serious bodily injury or death of a deputy, the following procedures designed to alert the media shall be followed.

- (a) The supervisor will prepare an initial press release that includes all available information which might aid in locating the suspect:
 1. The license number and/or any other available description or photograph of the vehicle
 2. Photograph, description and/or identification of the suspect
 3. The suspect's identity, age and description, if known
 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 5. Name and phone number of the supervisor or other authorized individual to handle media liaison
 6. A telephone number for the public to call in with leads/information
- (b) The press release should be sent to the local television and radio stations.
- (c) The information in the press release should also be forwarded to the local emergency communications center so that general broadcasts can be made to local law enforcement agencies.

319.10 UTAH ENDANGERED MISSING ADVISORY

The Endangered Missing Advisory is a system to rapidly disseminate information about a missing and/or endangered person to law enforcement agencies and the media. The Endangered Missing

Public Alerts

Advisory is a voluntary partnership between law enforcement and local broadcasters for notifying the public about a missing and endangered person. The advisories are initiated solely by Utah law enforcement agencies.

319.10.1 UTAH CRITERIA

The following criteria must be met to initiate an Endangered Missing Advisory:

- (a) The person must be missing under unexplained or suspicious circumstances.
- (b) The person is believed to be in danger because of age, health, mental or physical disability, environment or weather conditions, in the company of a potentially dangerous person or some other factor that may put the person in peril.
- (c) There is information that could assist the public in the safe recovery of the missing person.

319.10.2 UTAH PROCEDURE

When the required criteria are met, the assigned deputy should request that Dispatch activate an Endangered Missing Advisory by entering descriptive information and deputy contact information into the appropriate UCJIS transaction and by contacting the Bureau of Criminal Identification. The assigned deputy is responsible to ensure that information is entered into the National Crime Information Center (NCIC) database.

Victim and Witness Assistance

320.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

320.2 POLICY

The CCPD is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the CCPD will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

320.3 CRIME VICTIM LIAISON

The Marshal may appoint a member of the Office to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the CCPD regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

320.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison should ensure that a victim is notified when service is made of an order of protection for domestic violence as provided in ARS § 13-3602(I).

320.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

320.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

Victim and Witness Assistance

- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U-Visa and T-Visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the deputy's name, badge number, and any applicable case or incident number.
- (j) Information regarding the rights of victims as contained in Crime Victims' Rights (ARS § 13-4401 et seq.) and the Victims' Rights for Juvenile Offenses (ARS § 8-381 et seq.)
- (k) Information mandated in ARS § 13-4405 and ARS § 8-386, which includes, in part:
 - 1. The Victims' Bill of Rights under Ariz. Const. Art. 2 § 2.1.
 - 2. The procedures and resources available for the protection of a victim of domestic violence specifically set forth in ARS § 13-3601.
 - 3. The availability, if any, of crisis intervention services and emergency and medical services and, where applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to ARS § 13-1414.
 - 4. Names and telephone numbers of public and private victim assistance programs, including the county victim compensation program.
- (l) Information for domestic violence victims as to where the victim may verify the registration and conditions of a release order of the arrestee (ARS § 13-3624).
- (m) Information for alleged victims or potential victims of harassment (including an act of sexual violence as defined by ARS § 23-371), to include procedures and resources available for protection including (ARS § 12-1809(O)).
 - 1. An injunction under ARS § 12-1809.
 - 2. The emergency telephone number for the CCPD.
 - 3. Telephone numbers for emergency services in the local community.
- (n) An explanation of court-ordered victim restitution.
- (o) Contact information for the Arizona Attorney General's Office of Victim Services.

320.5.1 UTAH VICTIM INFORMATION

The Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

Victim and Witness Assistance

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault (Utah Code 76-5-504).
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.
- (i) Resources available for victims of identity theft.
- (j) A place for the deputy's name, badge number and any applicable case or incident number.
- (k) The specific information for victims of domestic violence as mandated by Utah Code § 77-36-2.5.
- (l) Local victim centers.
- (m) The Utah Department of Corrections (UDC) Victim Services Unit, which can provide assistance and support to victims whose victimizers are in the custody of the UDC.
- (n) Office of Crime Victim Reparations Program that offers financial assistance.
- (o) The Federal Department of Justice Office for Victims of Crime (OVC), which can also provide assistance.
- (p) The Utah Crime Victims' Bill of Rights (Utah Code 77-37-3).

320.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate or Prejudice Crimes

321.1 PURPOSE AND SCOPE

The CCPD recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this State. When such rights are infringed upon by violence, threats or other harassment, this office will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

CCMO recognizes the particular impact hate or prejudice crimes have, including the fears and distress typically suffered by victims. The potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on members of the targeted group and the entire community. CCMO's response to hate or prejudice crimes is especially important to the community because it reassures vulnerable groups that they will be protected by the agency, which can in turn encourage reporting and thus make the community safer. CCMO will be mindful and respectful of the confidentiality, safety, and privacy concerns of victims and their families.

321.1.1 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice (DOJ) with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 249). CCMO shall notify the federal Bureau of Investigations or the United States Attorney's Office if it has reason to believe that a hate crime has occurred within its jurisdiction.

321.2 DEFINITIONS

Definitions related to this policy include:

Hate or Prejudice Crime - Any unlawful action designed to frighten, harm, injure, intimidate, terrorize, or harass an individual that is motivated, in whole or in part, by the actual perceived race, color, religion, gender, national origin, gender identity, physical or mental disability, or sexual orientation of the victim.

Hate Group - An organization whose ideology primarily or substantially based on antipathy, hostility, or hatred toward persons of a different race, color, religion, gender, national origin, gender identity, disability, or sexual orientation.

321.2.1 UTAH DEFINITIONS

Intimidate or Terrorize - Means an act which causes the person to fear for his physical safety or damages the property of that person or another. The act must be accompanied with the intent to cause or has the effect of causing a person to reasonably fear to freely exercise or enjoy any

Hate or Prejudice Crimes

right secured by the Constitution or laws of the state or by the Constitution or laws of the United States (Utah Code 76-3-203.3(3)).

321.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups relating to hate crime laws.
- (d) Implementing appropriate training, including becoming familiar with the symbols and tactics used by the hate groups.

321.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this office receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

- (a) Deputies will be promptly assigned to secure the scene, request medical assistance if needed, and speak to the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned deputies will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.
- (d) The assigned deputies will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.
- (e) Depending on the situation, the assigned deputies or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned deputies will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. The deputies shall record the precise statements made by suspects as reported by victims and witnesses (the exact words used and the context are critical to the investigation). The deputies shall also preserve any objects used by the hate group, if applicable. Finally, the deputies shall obtain all information necessary to complete federal and state hate crime data collection requirements. All related reports will be clearly marked as “Hate or Prejudice Crimes”

Hate or Prejudice Crimes

and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputies before the end of the shift.

- (g) The assigned deputies should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.
- (h) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible Temporary Restraining Order through the courts or Prosecuting Attorney or Town Attorney).
- (i) Deputies will be sensitive to the needs of the victim during his or her investigation. Deputies play a significant role in the victim's ability to cope with the emotional and psychological after-effects of the crime and willingness to participate in the investigation. It is imperative that deputies responding to a potential hate or prejudice crime are able to recognize, understand, and manage these effects for the benefit of the victim and the investigation.

321.5 FOLLOW UP RESPONSIBILITIES

If a case is assigned to the Patrol, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

- (a) Coordinating further investigation with the Prosecuting Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals as needed.
- (c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

321.5.1 STATE HATE CRIME REPORTING

This office shall submit hate crime information and offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Arizona Department of Public Safety (DPS). This shall be conducted by the Records Manager or assigned to Patrol (AAC § R13-1-301(A)).

321.5.2 FEDERAL HATE CRIME REPORTING

Under the Hate Crime Statistics Act of 1990 (USC 534), the FBI's Uniform Crime Reporting Program now collects and reports statistics on hate crimes directed at individuals because of race, religion, disability, sexual orientation, ethnicity, gender, or gender identity, as well as hate crimes committed by and directed against juveniles. The Records Manager shall include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Section procedures and in compliance with (28 USC § 534 (a)).

Hate or Prejudice Crimes

321.6 TRAINING

All members of this office will receive training on hate and prejudice crime recognition, the identification of hate symbols and tactics used by known hate groups, and hate and prejudice crime investigation. Members will also attend annual training that incorporates a hate and prejudice crime training component.

Standards of Conduct

322.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the CCPD and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by the Marshal or his designee..

322.2 POLICY

The continued employment or appointment of every member of the CCPD shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

322.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

322.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

Standards of Conduct

322.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

322.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and state Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. Types of disciplinary action include written warnings or reprimands, suspensions, demotions, or termination. Counseling and training are non-disciplinary measures and shall not be considered disciplinary action.

CCMO shall follow progressive disciplinary measures. Aggravating and mitigating circumstances shall be considered when determining the discipline to be imposed.

All disciplinary or non-disciplinary action shall be decided without consideration to the members race, color, religion, gender, national origin, gender identity, disability or sexual orientation.

322.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service:

322.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or Town manuals.
- (b) Disobedience of any legal directive or order issued by any office member of a higher rank.

Standards of Conduct

- (c) Violation of federal, state, local or administrative laws, rules or regulations.

322.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the CCPD in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

322.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

322.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.

Standards of Conduct

322.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

322.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this office.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Marshal or his designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any CCPD badge, uniform, identification card or office property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

322.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

Standards of Conduct

322.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office -related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on office premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any office equipment or system.
 - 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on office property except as expressly authorized by Town policy, the collective bargaining agreement or the Marshal.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by Town policy, the collective bargaining agreement or the Marshal.
- (i) Any act on- or off-duty that brings discredit to this office.

322.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

Standards of Conduct

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the Town.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.
- (i) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Marshal of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members

322.5.10 SAFETY

- (a) Failure to observe or violating office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.

Standards of Conduct

- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

322.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software and systems.

323.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the CCPD that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Office or office funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

323.2 POLICY

It is the policy of the CCPD that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

323.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any office computer system.

The Office reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Office, including the office email system, computer network and/or any information placed into storage on any office system or device. This includes records of all keystrokes or Web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through office computers, electronic devices or networks.

Information Technology Use

323.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors..

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

323.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any office computer. Members shall not install personal copies of any software onto any office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Marshal or his designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on office premises, computer systems or electronic devices. Such unauthorized use of software exposes the Office and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of office- or Town-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

323.4.2 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to office-related activities. Data stored on or available through office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

323.4.3 INTERNET USE

Internet sites containing information that is not appropriate or applicable to office use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Information Technology Use

323.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Office while on-duty or in conjunction with specific on-call assignments unless specifically authorized by the Marshal or a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This may apply to personally owned devices that are used to access office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

323.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

323.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the office computer system when requested by a supervisor or during the course of regular duties that require such information.

Office Use of Social Media

324.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- (a) Personal use of social media by office members (see the Employee Speech, Expression and Social Networking Policy, 1030).
- (b) Use of social media in personnel processes (see the Recruitment and Selection Policy, 1000).
- (c) Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this office (see the Investigation and Prosecution Policy, 600 and 608).

324.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the office website or social networking services.

324.2 POLICY

The CCPD may use social media as a method of effectively informing the public about office services, issues, investigations and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

324.3 AUTHORIZED USERS

Only members authorized by the Marshal or his designee may utilize social media on behalf of the Office. Authorized members shall use only office-approved equipment during the normal course of duties to post and monitor office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Marshal may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over office social media by members who are not authorized to post should be made through the member's chain of command.

324.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the office mission and conforms to all office policies regarding the release of information may be posted.

Office Use of Social Media

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the office mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

324.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

324.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the CCPD or its members.
- (e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this office's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

324.5.1 PUBLIC POSTING PROHIBITED

Office social media sites shall be designed and maintained to prevent posting of content by the public.

The Office may provide a method for members of the public to contact office members directly.

Office Use of Social Media

324.6 MONITORING CONTENT

The Marshal will appoint a supervisor to review, at least annually, the use of office social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

324.7 RETENTION OF RECORDS

The Marshal or his designee should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

324.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on office sites.

Report Preparation

325.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

325.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned deputy to complete and submit all reports taken during the shift before going off duty, unless permission to delay submission of the report has been approved by a supervisor. Policy 600 Investigation and Prosecution further outlines specific timeframes for completion of reports.

Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

All reports must be legible, if not they will be returned by the reviewing supervisor to make correction and resubmit the report.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

325.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Office-approved form unless otherwise approved by a supervisor.

325.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by a separate policy. These include:
 1. Use of Force Policy
 2. Domestic Violence Policy

Report Preparation

3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate or Prejudice Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Contacts where the victim does not desire a report, shall be documented using the office-approved alternative reporting method (e.g., dispatch log). This reporting option will include personal information of those contacted, address of incident or contact, vehicle information and reason for the contact.

325.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any time a deputy points a firearm at any person
- (b) Any use of force against any person by a member of this office (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Response and Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor
- (k) Contacts where the individual contacted does not desire a report shall be documented using the department approved alternative reporting method (e.g., dispatch log). This reporting option will include personal information of those contacted, address of incident or contact, vehicle information and reason for the contact.

325.2.3 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

325.2.4 INJURY OR DAMAGE BY TOWN PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a CCMO employee. Additionally, reports shall be taken involving damage to Town property or Town equipment.

Report Preparation

325.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this office shall require a report when:

- (a) The injury is a result of a drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

325.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

325.3.1 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

325.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction Form, stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

325.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

Media Relations

326.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

326.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Marshal. However, in situations not warranting immediate notice to the Marshal and in situations where the Marshal has given prior approval, Supervisors and designated Public Information Officers may prepare and release information to the media in accordance with this policy and the applicable law.

326.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the Marshal, or to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this office make any comment or release any official information to the media without prior approval from a supervisor.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.
- (c) Under no circumstance should any member of this office make any comments to the media regarding any law enforcement incident not involving this office without prior approval of the Marshal.

326.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Office Public Information Officer or other designated spokesperson.

Media Relations

- (c) No member of this office shall be required to submit to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Marshal and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

326.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137). All requests for TFR should be routed through the Supervisor.

326.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Marshal.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Marshal will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

326.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Office will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the supervisor. This log will consist of data classified as public and should generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this office, unless the release of such information would endanger the

Media Relations

safety of any individual or jeopardize the successful completion of any ongoing investigation.

- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or the notification is otherwise cleared through the Medical Examiner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the custodian of records, or if unavailable, to the supervisor. Such requests will generally be processed in accordance with the provisions of the Arizona Public Records Law (ARS § 39-101, et seq.).

326.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized member dealing with media requests to ensure that restricted information is not inappropriately released to the media by this office (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

Requests should be reviewed and fulfilled by the Marshal or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records law (e.g. Government Records Access Management Act).

Subpoenas and Court Appearances

327.1 PURPOSE AND SCOPE

This policy establishes the guidelines for office members who must appear in court. It will allow the CCPD to cover any related work absences and keep the Office informed about relevant legal matters.

327.2 POLICY

CCPD members will respond appropriately to all subpoenas and any other court-ordered appearances.

327.3 SUBPOENAS

Only office members authorized to receive a subpoena on behalf of this office or any of its members may do so.

A civil subpoena may be served upon the named member in the subpoena in accordance with RCP Rule 45. Prior to accepting service, witness fees shall be demanded as allowed by law (RCP Rule 45).

A criminal subpoena may be served upon a member by one of the following (ARS § 13-4072):

- (a) Personal service
 - 1. Only the member named in a subpoena may accept service.
- (b) Certified mail for delivery to the member only
- (c) First-class mail accompanied by a certificate of service and return card

327.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Town Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the Town or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the CCPD.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the CCPD.

Subpoenas and Court Appearances

The supervisor will then notify the Marshal and the appropriate prosecuting attorney as may be indicated by the case. The Marshal should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

327.3.2 CIVIL SUBPOENA

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

327.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

327.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

327.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes his/her location during the day, the member shall notify the designated office member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

327.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the office uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

327.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

Subpoenas and Court Appearances

327.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Reserve Deputies

328.1 PURPOSE AND SCOPE

The CCPD Reserve Unit was established to supplement and assist certified deputies in their duties. This unit provides professional, certified reserve deputies who can augment regular staffing levels.

Reserve deputies work part-time and shall hold certification by the Arizona Peace Officer Standards and Training Board (AZ POST) (AAC § R13-4-103) and/or Utah Peace Officer Standards and Training. Reserves shall only function as an Officer in the state/states (Arizona-Utah) that they are certified in.

328.2 SELECTION AND APPOINTMENT OF RESERVE DEPUTIES

The CCPD shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this office.

328.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as certified deputy deputies before appointment (AAC § R13-4-110).

Before appointment as a reserve deputy, an applicant must have completed, or be in the process of completing, a state-approved basic academy or extended basic academy unless granted a waiver pursuant to state law (AAC § R13-4-110(D)).

328.2.2 APPOINTMENT

Applicants who are selected for appointment as a reserve deputy shall, on the recommendation of the Marshal, be sworn in by the Marshal and take the Oath of Office as required for regular deputies. Members of the reserve unit serve at the Marshal's discretion.

A reserve deputy may not perform any law enforcement function without completing the training required by AAC § R13-4-110, and without the AZPOST certification pursuant to AAC § R13-4-103.

328.2.3 COMPENSATION FOR RESERVE DEPUTIES

Compensation for reserve deputies is provided as follows:

- (a) All reserve deputy appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Office upon termination or resignation. Reserve deputies shall receive a yearly uniform allowance equal to that of regular deputies.
- (b) The Office may provide hospital and medical assistance to a member of the reserve force who sustains injury in the course of performing official duties.

Reserve Deputies

328.2.4 EMPLOYEES WORKING AS RESERVE DEPUTY

Qualified employees of this office, when authorized, may also serve as reserve deputies. However, the Office shall not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Marshal should consult with the Human Resources Department prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

328.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Section. Reserve deputies may be assigned to other areas within the Office as needed. Reserve deputies are required to work a minimum of 16 hours per month.

Reserve deputies may act only in a supplementary capacity to the regular force.

328.3.1 POLICY COMPLIANCE

Deputy reserve deputies shall be required to adhere to all Office policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this manual refers to a certified full-time deputy, it shall also apply to a certified reserve deputy, unless by its nature it is inapplicable.

328.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Marshal or a designee.

328.3.3 RESERVE SUPERVISOR/COORDINATOR

The Marshal may delegate the responsibility for administering the Reserve Deputy Program to a Supervisor/Reserve Coordinator.

The Supervisor/Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assigning reserve personnel.
- (b) Conducting reserve meetings.
- (c) Establishing and maintaining a reserve call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual reserve deputy performance.
- (f) Monitoring the overall Reserve Program.
- (g) Maintaining liaison with other agency Reserve Coordinators.

328.4 FIELD TRAINING

All reserve deputies are required to complete the same field training program as a regular full-time deputy.

Reserve Deputies

328.4.1 TRAINING OFFICERS

Deputies of this office who demonstrate a desire and ability to train reserve deputies, may train reserve deputies during Phase II, subject to Supervisor approval.

328.4.2 PRIMARY TRAINING OFFICER

In completion of the required minimum training and licensing, reserve deputies may be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve deputy will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase (Phase I).

328.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the CCPD. The reserve deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

328.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve deputy in training.

If the reserve deputy has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

328.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve deputy will no longer be required to ride with his/her primary training officer. The reserve deputy may now ride with any deputy designated by the Supervisor.

During Phase II of training, as with Phase I, the reserve deputy's performance will be closely monitored. In addition, rapid progress should continue toward the completion of the deputy's Field Training Manual. At the completion of Phase II training, the reserve deputy will return to his/her primary training officer for Phase III of the training.

328.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this phase, the reserve deputy will return to his/her original primary training officer. The training officer will evaluate the reserve deputy for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed his/

Reserve Deputies

her formal training. If the reserve deputy has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

328.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer.

328.5 SUPERVISION

Reserve deputies perform some of the duties of a peace officer and shall be under the immediate supervision of a certified peace officer and may not be employed as a full-time deputy.

328.5.1 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

328.5.2 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies will be issued a uniform badge and a Office identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card.

328.5.3 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this office.

328.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Supervisor in compliance with the Personnel Complaint Policy.

Reserve deputies are considered at-will employees. Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual with the exception that the right to hearing is limited to the opportunity to clear his/her name.

328.5.5 RESERVE DEPUTY EVALUATIONS

While in training, reserve deputies will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserve deputies having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve deputy.

Reserve Deputies

328.6 TRAINING REQUIREMENTS

Reserve deputies are required to meet the training requirements applicable to full-time certified deputies, pursuant to AAC § R13-4-110 and AAC § R13-4-111 as outlined in the Training Policy.

328.7 FIREARMS

Reserve deputies shall successfully complete both AZPOST firearms training, pursuant to AAC § R13-4-110(C), and Office-authorized training in the use of firearms. Their appointment must be approved by the Town prior to being issued a Office firearm or otherwise acting as a deputy on behalf of the CCPD.

Reserve deputies will be issued a duty firearm as specified in the Firearms Policy. Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

328.7.1 CONCEALED FIREARMS

An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to Office standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a Office Rangemaster.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

328.7.2 RESERVE DEPUTY FIREARM TRAINING

Reserve deputies are required to maintain proficiency with firearms used in the course of their assignments pursuant to AAC § R13-4-111(C). Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

- (a) Reserve deputies are required to qualify at least every other month.
- (b) Reserve deputies may fire at the Office-approved range once each month and more often with the approval of the Reserve Coordinator.
- (c) Should a reserve deputy fail to qualify, that reserve deputy shall not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

328.8 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Outside Agency Assistance

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

329.2 POLICY

It is the policy of the CCPD to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this office.

329.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Marshal or his designee for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests (ARS § 13-3872).

When another law enforcement agency requests assistance from this office, the supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this office.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this office until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this office will not ordinarily be booked at this office. Only in exceptional circumstances, and subject to supervisor approval, will this office provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member..

329.3.1 AGREEMENTS

The Office may establish a mutual aid agreement with another law enforcement agency by action of the Town to (ARS § 13-3872):

- (a) Assist other peace officers in the line of their duty and within the course of their employment.
- (b) Exchange office peace officers with peace officers of another agency on a temporary basis.

Outside Agency Assistance

329.3.2 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the CCPD shall notify his/her supervisor and the Dispatch Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

329.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

329.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report.

329.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 1. The members trained in the use of the equipment and supplies.
 2. The use of the equipment and supplies.
 3. Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The supervisor should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

331.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the CCPD will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered sex offenders.

331.2 POLICY

It is the policy of the CCPD to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

331.3 REGISTRATION

The Patrol supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Arizona Department of Public Safety (DPS) and the Chief of Police, if any, of the place where the person resides, within three days in accordance with ARS §13-3821.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (ARS § 13-3824).

331.3.1 CONTENTS OF REGISTRATION

The registration of offenders and duties of the Office shall be performed in compliance with ARS § 13-3821 and in accordance with any office procedures for registrations.

- (a) The steps to process a registrant include:
 1. Fingerprinting the registrant.
 2. Photographing the registrant.
 3. Registrant must sign or affix the registrant's electronic fingerprint to a statement containing information required by DPS, including (ARS § 13-3821):
 - (a) All names by which the person is known.
 - (b) Any required online identifier and the name of any website or internet communication service where the identifier is being used.
 - (c) Required registration information of a motor vehicle that is owned, possessed, or regularly operated by the registrant.
 - (d) The physical location and address of the person's residence, and if it is a permanent address or temporary residence.

Registered Offender Information

- (e) If used, a post office box number or the place where mail is received and the location.
 - (f) If the address and physical location are not the same, the registrant shall also provide the name of the owner of the residence if the residence is privately owned and not offered for rent or lease.
 - (g) If the person has more than one residence, the registrant shall register in person and in writing every residence and address not less than every 90 days with the Sheriff in whose jurisdiction they are physically present.
 - (h) If the person does not have an address or a permanent residence, the registrant shall provide a description and physical location of any temporary residence and shall register as a transient not less than every 90 days with the Sheriff in whose jurisdiction the person is physically present.
- 4. If the registrant has been convicted of an offense in another jurisdiction that would require registration if committed in this state, the registrant is required to provide a sufficient sample of blood or other bodily substance for DNA testing (ARS § 13-3821).
 - 5. Within three days of registration, the employee processing the registrant will ensure that copies of the statement, fingerprints, and photographs are sent to DPS and the appropriate Chief of Police if the person resides within the jurisdiction of a local police department. If a blood sample has been obtained, the blood sample will also be transferred to DPS.
- (b) Processing a change in registration requires the following steps be taken within three days of a change in registration, excluding weekends and holidays.
 - 1. For a change of name or residence:
 - (a) Forward the change to the Arizona DPS and the appropriate law enforcement agency for the jurisdiction from which the registrant has moved (ARS § 13-3822).
 - (b) Forward a copy of the statement, fingerprints, and photograph of the registrant to the local law enforcement agency and Sheriff in whose jurisdiction the registrant now resides.
 - (c) If the registrant is subject to community notification requirements, notify the local law enforcement agency of the county where the registrant now resides (ARS § 13-3822).
 - 2. For a change of online identifier, forward the new identifier to the Arizona DPS (ARS § 13-3822).

331.3.2 UTAH CONTENTS OF REGISTRATION

Any person residing in the jurisdiction of the CCMO who is required to register as a sex and/or kidnap offender and is no longer under the supervision of the Division of Adult Probation and Parole must provide the following (Utah Code 53-10-404; Utah Code 77-41-105):

- (a) All names and aliases

Registered Offender Information

- (b) The primary and secondary residence addresses
- (c) A physical description, date of birth, height, weight, eye and hair color
- (d) The make, model, color, year, plate number and vehicle identification number of any vehicle or vehicles owned or regularly driven
- (e) A current photograph
- (f) A set of fingerprints, if one has not already been provided
- (g) A DNA specimen, taken in accordance with Section 53-10-404, if one has not already been provided
- (h) Telephone numbers and any other designations used for routing or self-identification in telephonic communications from fixed locations or cellular telephones
- (i) Internet identifiers and any addresses used for routing or self-identification in Internet communications or postings
- (j) The name and Internet address of all websites on which the person is registered using an online identifier, including all online identifiers used to access those websites
- (k) A copy of any passport
- (l) If the person is an alien, all documents establishing immigration status
- (m) All professional licenses that authorize engaging in an occupation or carrying out a trade or business, including any identifiers, such as numbers
- (n) Each educational institution in Utah at which the person is employed, carries on a vocation or is a student, and any change of enrollment or employment status at any educational institution
- (o) The name, telephone number and address of any place of employment
- (p) The name, telephone number and address of any place where the person volunteers
- (q) The person's Social Security number

331.4 UTAH REGISTRATION

The supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Utah Department of Corrections (DOC).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (Utah Code 77-41-107).

331.5 RISK ASSESSMENT

The Patrol supervisor shall categorize each registered sex offender into an appropriate notification level (I, II or III) based on a risk assessment of the registrant (ARS § 13-3825). The supervisor shall submit a report through the chain of command to the Marshal or the authorized designee that includes a synopsis of the risk assessment. The Marshal or the authorized designee shall

Registered Offender Information

make the final determination regarding an offender's risk level and may choose a different level than the one recommended.

- (a) The following steps shall be taken when determining the notification level of a registrant:
 1. Review items such as the sex offender registration form, parole and corrections materials, the risk assessment completed by the agency that had custody or responsibility for supervising the person, and Arizona Criminal Justice Information System information.
 2. Interview the offender.
 3. Assemble and review any other relevant resources or reports.

The Patrol supervisor shall ensure that the registrant is notified, either in person or in writing, of his/her notification level.

331.6 MONITORING OF REGISTERED OFFENDERS

The Patrol supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the Arizona DPS website.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Arizona DPS. Verification of a registrant's residence and address will be provided to Arizona DPS, upon request.

The Patrol supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to CCPD personnel, including timely updates regarding new or relocated registrants.

331.7 COMMUNITY NOTIFICATIONS

The Office shall disseminate sex offender information in accordance with the following guidelines (ARS § 13-3825):

- (a) Community notification of Level II and Level III registrants shall be made in a non-electronic format to the surrounding neighborhood, area schools, appropriate community groups and prospective employers within 45 days and shall include:
 1. The offender's photograph and exact address.
 2. A summary of the offender's status and criminal background.

Registered Offender Information

- (b) Campus notification and notification to the administration of an institution of post-secondary education shall be made that an individual required to register as a sex offender is enrolled as a student or is employed or carries on a vocation within the institution.

Electronic notification may be used to comply with the requirements above only for persons who have affirmatively chosen to receive notification in that manner. Electronic notification may also be used as an additional method of disseminating information.

A press release with the above information should be sent to the local media for registrants categorized as Level II or Level III offenders.

Employees will not unilaterally make community notification regarding a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Marshal, if warranted. A determination will be made by the Marshal, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the Arizona DPS website or the Arizona Sex Offender Compliance Team.

The Records Manager shall release local registered offender information to residents in accordance with ARS § 13-3825 and in compliance with Arizona public records law request (ARS § 39-121 et seq.).

331.7.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

331.7.2 DISCRETIONARY DISSEMINATION

Level I offender information shall be maintained by this office. The Marshal may authorize dissemination to (ARS § 13-3825):

- (a) Other law enforcement agencies.
- (b) People with whom the offender resides.

Registered Offender Information

The Marshal may authorize any updated information obtained from DPS to be disseminated to any other persons or entities that the Marshal determines warrant such notification (ARS § 13-3823).

The Marshal may also authorize community notification of any information regarding circumstances or persons who pose a danger to the community, even if that notification is not specifically listed in the guidelines or in ARS § 13-3825.

331.7.3 UTAH LEGAL MANDATES AND RELEVANT LAWS

Employees responsible for registering and entering sex or kidnap offenders into the database must be certified by the Utah DOC. To obtain and retain certification, the employee must receive initial and annual training from DOC (Utah Code 77-41-104).

The Supervisor will be responsible for ensuring the appropriate training and certifications are maintained.

Major Incident Notification

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this office in determining when, how and to whom notification of major incidents should be made.

332.2 POLICY

The CCPD recognizes that certain incidents should be brought to the attention of the Marshal, supervisors or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

332.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Marshal . The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- (a) Homicides, suspicious deaths or deaths related to law enforcement activity
- (b) Traffic collisions with fatalities or severe injuries
- (c) Officer-involved shooting, whether on- or off-duty (see Officer-Involved Shooting and Deaths Policy for special notifications) and vehicle pursuits that are extended or prolonged
- (d) Significant injury or death to an employee, whether on- or off-duty
- (e) Death of a prominent Colorado City official
- (f) Arrest of Office employee or prominent Colorado City official
- (g) Aircraft, boat, train or bus crash with major damage and/or injury or death
- (h) In-custody deaths
- (i) Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- (j) Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- (k) Unattended deaths of anyone in our jurisdiction
- (l) Any other incident, which has or is likely to attract significant media attention

332.4 SUPERVISOR RESPONSIBILITIES

The supervisor is responsible for making the appropriate notifications to include the Marshal. The supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The supervisor shall attempt to make the notifications as soon as practicable.

Major Incident Notification

332.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the supervisor and Marshal shall be notified.

332.4.2 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of the staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

333.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations cannot be emphasized enough.

When death occurs under circumstances listed in Utah Code 26-4-7, the death shall be reported to the prosecuting attorney and to the medical examiner by the law enforcement agency investigating the death and shall be made in the most expeditious means available. Failure to do so is a class B misdemeanor (Utah Code 26-4-8).

333.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). Deputies are not authorized to pronounce death unless they are also Coroners or deputy coroners. A supervisor shall be notified in all death investigations.

333.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner or alternate Medical Examiner shall be promptly called in all sudden or unexpected deaths or deaths due to other than natural causes, including but not limited to (ARS § 11-593)(Utah Code 26-4-7; Utah Code 26-2-14; Utah Code 62a-4a-405):

- (a) Death when not under the current care of a health care provider (ARS § 36–301).
- (b) Death resulting from violence.
- (c) Death that is unexpected or unexplained.
- (d) Death of a person in any form of custody.
- (e) Unexpected or unexplained death of an infant or child.
- (f) Death occurring in a suspicious, unusual or non-natural manner, including death from an accident believed to be related to the deceased person's occupation or employment.
- (g) Death occurring as a result of anesthetic or surgical procedures.
- (h) Death suspected to be caused by a previously unreported or undiagnosed disease that constitutes a threat to public safety.
- (i) Unidentifiable bodies.
- (j) Unattended deaths, except that an autopsy may only be performed in accordance with the provisions of Utah Code 26-4-9(3).
- (k) Results from poisoning or overdose of drugs.

Death Investigation

- (l) Results from disease, injury, toxic effect or unusual exertion incurred within the scope of the decedent's employment.
- (m) When a fetal death occurs without medical attendance at or immediately after the delivery or when inquiry is required by the Utah Medical Examiner Act.
- (n) When there is a reason to believe that a child has died as a result of child abuse or neglect.

The body shall not be moved without permission of the Medical Examiner or Prosecuting Attorney having criminal jurisdiction, or his authorized deputy except in cases of affront to public decency or circumstances where it is not practical to leave the body where found, or in such cases where the cause of death is clearly due to natural causes.

However, in all cases, the scene of the event shall not be disturbed until authorization is given by the Medical Examiner to the senior ranking peace officer on the scene and having jurisdiction of the case and conducting the investigation.

333.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a body known to be dead. Utah Code 26-4-7

A deputy may be permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purposes of identification or for information identifying the individual as a donor. If a donor document is located, the Medical Examiner shall be promptly notified. The deputy shall also, as soon as reasonably possible, notify the appropriate organ procurement organization, tissue bank, or eye bank of the identity of the deceased, the next-of-kin (if known) and the funeral establishment taking custody of the deceased (Utah Code 26-28-112).

Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating deputy shall first obtain verbal consent from the Medical Examiner.

The Medical Examiner, with the permission of the Office, may take property, objects or articles found on the deceased or in the deceased's immediate vicinity that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (ARS § 11-595(B)).

Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy, pending the arrival of the Medical Examiner.

The name and address of this person shall be included in the narrative of the death report.

Death Investigation

333.2.3 DEATH NOTIFICATION

Should a human death result from a fire, this office may notify the state or Town fire marshal or as allowed by law.

When practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner should be advised if notification has already been made.

If a deceased person has been identified as a missing person, this office shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

333.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue a "John Doe" or "Jane Doe" number for the report.

333.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Office, all available identifying features of the unidentified body including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body should be forwarded to the appropriate agency for entry into the Arizona state database and the NCIC file.

333.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

In addition, a deputy shall complete an infant death investigation checklist during any unexplained infant death investigation and before any autopsy is conducted (ARS § 36-3506).

The Office shall retain the original infant death investigation checklist and immediately forward a copy to the Medical Examiner and the Department of Health Services (ARS § 36-3506).

333.2.7 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene. The Patrol shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

Death Investigation

333.2.8 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, may ensure that the nearest office of the Arizona Division of Occupational Safety and Health (ADOSH) or Utah-OSHA is notified with all pertinent information.

Identity Theft

334.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

334.2 REPORTING

- (a) Upon request from a victim, deputies presented with the crime of identity theft shall complete a report for crimes occurring in this jurisdiction or for victims who reside or are located within this jurisdiction irrespective of where the crime occurred, pursuant to ARS § 13-2008.
- (b) For any crime not occurring in this jurisdiction with a victim who does not reside within this jurisdiction, the deputy may complete a courtesy report to be forwarded to the agency where the crime was committed or, if the location is unknown, to the victim's residence agency.
- (c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this office should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the credit card fraud occurred and is reported in this jurisdiction).
- (d) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (e) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Arizona Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.
- (f) Following supervisory review and Office processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

334.2.1 UTAH IDENTITY THEFT REPORTING INFORMATION SYSTEM (IRIS)

Deputies should ensure that an IRIS report is made by a victim, even if the fraud is initially reported to the CCMO. Upon receiving identity fraud reports via IRIS, investigating deputies should contact each victim to verify the situation, enter a case number, the investigating deputy's contact information and the case status. This information is automatically returned to a victim's IRIS account, and can be used by the victim to begin resolving issues related to a fraud.

Investigating deputies should utilize IRIS in all Identity Fraud investigations. Investigating deputies should also encourage victims to make an IRIS report anytime personal information is stolen

Identity Theft

(e.g., theft of a driver's license, social security card) and encourage them to establish Fraud Alerts whenever personal information has been compromised.

If the victim is unable to respond to the Department, the victim should be informed of the Internet web site created by the Attorney General which allows a victim of an identity-related crime to report the crime on the web site and have the victim's report routed to the appropriate law enforcement agency for the jurisdiction in which the crime occurred (Utah Code 67-5-22).

Web access to additional information is available at the Identity Theft Reporting Information System (I.R.I.S.).

334.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law. A victim may also access http://www.azag.gov/cybercrime/ID_Theft.html for additional detailed information.

334.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at <http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm> or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice (DOJ) website, <http://www.usdoj.gov>.

Private Persons Arrests

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to ARS § 13-3884.

335.1.1 UTAH PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Utah Code 77-7-3.

335.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

When requested, deputies shall advise citizens of the right to make a private person's arrest as allowed by state law (ARS § 13-3889). The advice shall include how to safely execute such an arrest. In all other situations, deputies should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.
- (c) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (ARS § 13-3900).

335.2.1 UTAH ADVISING PRIVATE PERSONS OF THE ARRESTS PROCESS

If a peace officer does not immediately exercise arrest powers or initiate criminal proceedings by citation or otherwise, he shall notify the victim of domestic violence his/her right to initiate a criminal proceeding and of the importance of preserving evidence, in accordance with the requirements of Utah Code 77-36-2.1 (Utah Code 77-36-2.2(2)(c)).

- (a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

335.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (ARS § 13-3884):

Private Persons Arrests

- (a) For a misdemeanor amounting to a breach of the peace, or a felony, committed in his/her presence.
- (b) When a felony has been in fact committed and he/she has reasonable grounds to believe the person to be arrested has committed it.

335.3.1 UTAH ARRESTS BY PRIVATE PERSONS

Utah Code 77-7-3 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his/her presence.
- (b) When a felony has been in fact committed, and he/she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

335.3.2 UTAH MANNER OF MAKING PRIVATE ARREST

The person making the arrest shall inform the person being arrested of his intention, cause and authority to arrest him. Such notice shall not be required when (Utah Code 77-7-6):

- (a) There is reason to believe the notice will endanger the life or safety of the person or another or will likely enable the party being arrested to escape.
- (b) The person being arrested is actually engaged in the commission of, or an attempt to commit, an offense.
- (c) The person being arrested is pursued immediately after the commission of an offense or an escape.

335.3.3 UTAH FORCE TO MAKE A PRIVATE PERSONS ARREST

Any person is justified in using any force, except deadly force, which he/she reasonably believes to be necessary to effect an arrest or to defend himself/herself or another from bodily harm while making an arrest (Utah Code 76-2-403).

335.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
 - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should

Private Persons Arrests

advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:
1. Take the individual into physical custody for booking.
 2. Release the individual upon a misdemeanor citation or pending formal charges.

335.4.1 UTAH DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual pursuant to a Citation (Notice to Appear Form). The private person's name who made the arrest must appear on the citation (Utah Code 77-7-20(2)(f)).
3. Release the individual and file a formal complaint with the [Prosecuting Attorney]'s Office through the [Detective Bureau] (complaint route).

335.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Office Private Person's Arrest Form. If the person fails or refuses to do so, the arrested subject shall be released unless the deputy has an independent reason to take the person into custody.

In addition to the Private Person's Arrest Form (and any other related documents, such as citations and booking forms), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

Limited English Proficiency Services

338.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

338.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Office to act as an interpreter and/or translator for others.

Interpret and Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English Proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the CCPD, designated by the Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

338.2 POLICY

It is the policy of the CCPD to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

338.3 LEP COORDINATOR

The Marshal shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Supervisor or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

Limited English Proficiency Services

- (a) Coordinating and implementing all aspects of the CCPD's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Supervisor and Communications Manager. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Office to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Office in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding office LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities.

338.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

Limited English Proficiency Services

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by office members, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with office members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

338.5 TYPES OF LEP ASSISTANCE AVAILABLE

CCPD members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

338.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

338.7 AUDIO RECORDINGS

The Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

338.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

Limited English Proficiency Services

When a qualified bilingual member from this office is not available, personnel from other Town departments, who have been identified by the Office as having the requisite skills and competence, may be requested.

338.9 AUTHORIZED INTERPRETERS

Any person designated by the Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the office case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

338.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this office or personnel from other Town departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to office guidelines.

Limited English Proficiency Services

338.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

338.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Office or some other identified source.

338.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The CCPD will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

338.11.1 EMERGENCY CALLS TO 9-1-1

Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Dispatch Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Limited English Proficiency Services

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

338.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

338.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

Limited English Proficiency Services

338.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

338.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

338.16 COMPLAINTS

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

338.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

338.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

Limited English Proficiency Services

The Training Coordinator shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

338.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

339.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

339.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter. For the purposes of auxiliary aids provided by CCMO, they do not include personally prescribed devices such as hearing aids.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (UAC R746-343-2); (42 USC § 12102).

Exigent circumstances - A compelling urgency or true emergency that an officer can specifically describe not using vague or boiler plate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to themselves or others.

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, sign language interpreters and intermediary interpreters. An interpreter for a person who is deaf must be able to sign to the person who is deaf (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the individual who is deaf. The interpreter must be able to interpret in the language the individual who is deaf uses (e.g., American Sign Language or Signed English) and must be familiar with the law enforcement terms and phrases. Qualified interpreters shall have a valid license of competency authorized by the Commission for the Deaf and the Hard of Hearing (UAC R280-203-4); (ARS § 12-242). In the event a certified interpreter is not available, and an exigent circumstance requires immediate communication, a person able to accurately communicate with and convey information to and from a person who is hearing impaired may interpret.

339.2 POLICY

It is the policy of the CCPD to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

Communications with Persons with Disabilities

The Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

339.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Marshal shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Supervisor or the authorized designee.

The responsibilities of the ADA Coordinator shall include but not be limited to (ARS § 9-500.41; ARS § 11-269.20):

- (a) Working with the Town ADA coordinator regarding the CCPD's efforts to ensure equal access to services, programs, and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to office services, programs, and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Supervisor and Communications Manager. The list should include information regarding the following:
 1. Contact information
 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs, and activities.

339.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known or reasonably perceived factors in an effort to reasonably ensure people who are disabled have equal access to services, programs, and activities. These factors may include but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise indicate their understanding.

Communications with Persons with Disabilities

- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

339.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the CCPD, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

339.6 TYPES OF ASSISTANCE AVAILABLE

CCPD members shall never refuse to assist an individual with disabilities who is requesting assistance. The Office will not charge anyone to receive auxiliary aids, nor shall they require

Communications with Persons with Disabilities

anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Office will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled.

A person who is disabled may choose to accept office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include but are not limited to the assistance methods described in this policy.

339.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

339.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee), if the individual to be interviewed normally relies on sign language or speech reading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested;
- (b) Experienced in providing interpretation services related to law enforcement matters;
- (c) Proficient in using VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE), depending on the sign language used by the individual;
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser; and
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after the individual or another person has requested an interpreter or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

Communications with Persons with Disabilities

339.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking, attorney contacts), members must also provide those who are deaf, hard of hearing or impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD) or VRS. Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY, TTD and VRS communications.

The Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

339.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the CCMO Chief to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

339.11 FAMILY AND FRIENDS

While family or friends of a disabled or impaired individual may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the disabled individual and the person offering services must be carefully considered (e.g., victim/suspect). Members shall not rely solely on family members or friends who are, an accused or the suspect of the investigation.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

Communications with Persons with Disabilities

339.12 REPORTING

Members shall note in their official reports whenever any member of this office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Office or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

339.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities.

The Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

339.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speech read by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

Communications with Persons with Disabilities

- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

To communicate with all persons effectively, as soon as practicable in the interaction, Members will give primary consideration to the type of auxiliary aid or service requested by the individual who is deaf or hearing impaired. Members may use the communication card(s) in Appendix A to ascertain an individual's preferred method of communication and provide that aid when it is appropriate under the circumstances.

339.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a VRS should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy 600.

339.14.1 QUALIFIED INTERPRETER REQUIRED IN ARRESTS

Upon the arrest of a person who is deaf or hard of hearing, the arresting deputy or supervisor shall make a qualified interpreter available to properly interpret (ARS § 12-242):

- (a) *Miranda* warnings.
- (b) The interrogation of the deaf or hard of hearing person.
- (c) The deaf or hard of hearing person's statements.

339.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

Communications with Persons with Disabilities

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare and the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

339.16 COMPLAINTS

The Office shall ensure that individuals who are disabled and who desire to file a complaint regarding members of this office are able to do so. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the office ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used for any interview with a disabled individual during an investigation should not be members of this Office.

339.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

339.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Office will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Coordinator shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

Communications with Persons with Disabilities

339.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY and VRS equipment protocols for communicating with individuals who are deaf, hard of hearing, or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations, and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY, TDD, and VRS communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Dispatch Center members who may have contact with individuals from the public who are deaf, hard of hearing, or have impaired speech. Refresher training should occur every six months.

School Employee Arrest Reporting

340.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a public or private school employee, teacher or non-teacher, has been arrested under certain circumstances.

340.2 SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense, a felony involving moral turpitude, child abuse or sexual abuse offense, the Marshal or his designee should report the arrest as follows:

340.2.1 ARREST OF A PUBLIC SCHOOL TEACHER

Upon arrest for one of the above crimes, the Marshal or his designee may notify by telephone the superintendent of the school district employing the teacher, and give written notice of the arrest to the superintendent of schools in the county where the person is employed.

340.2.2 ARREST OF A PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above crimes, the Marshal or his designee may notify by telephone the superintendent of the school district employing the non-teacher, and may give written notice of the arrest to the governing board of the school district employing the person.

340.2.3 ARREST OF A PRIVATE SCHOOL OR LICENSED DAY-CARE TEACHER

Upon arrest for one of the above crimes, the Marshal or his designee may notify by telephone the private school or licensed day-care authority employing the teacher, and may give written notice of the arrest to the private school authority employing the teacher.

340.2.4 ARREST OF A PRIVATE SCHOOL OR LICENSED DAY-CARE EMPLOYEE

Upon arrest for one of the above crimes, the Marshal or his designee may notify by telephone the private school or licensed day-care authority employing the non-teacher and may give written notice of the arrest to the private school authority employing the person.

Pupil Arrest Reporting

341.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

341.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting deputy shall ensure the chief administrative officer of the school or the appropriate designee is ultimately notified of the arrest of a pupil.

341.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school, may reduce disruption to school operations and other students.

341.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the deputy or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

341.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting deputy's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the deputy, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.

Biological Samples

343.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction, arrest or adjudication for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

343.2 POLICY

The CCPD will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

343.3 PERSONS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample:

- (a) Persons who are arrested for a violation of any offense listed in ARS § 13-610(O)(3) and transferred to jail (ARS § 13-610(K)).
- (b) Persons who are charged with any offense listed in ARS § 13-610(O)(3) and summoned to appear in court for an initial appearance (ARS § 13-610(L)).
- (c) Juveniles who are ordered to submit by a judicial officer after being charged with any of the offenses listed in ARS § 8-238(A).

343.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

343.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to ARS § 13-610(O) and ARS § 8-238.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the Arizona Department of Public Safety (DPS). There is no need to obtain a biological sample if one has been previously obtained and DPS is maintaining a sample sufficient for DNA testing (ARS § 13-610(G)).
- (c) Use the designated collection kit to perform the collection and take steps to avoid cross contamination.

Biological Samples

343.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer, when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

343.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the office's records retention schedule.

Public Safety Video Surveillance System

347.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of office public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Office. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Office.

347.2 POLICY

The CCPD operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the Town to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist Town officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

347.3 OPERATIONAL GUIDELINES

Only office-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Marshal or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

347.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Marshal should confer with other affected Town divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.

Public Safety Video Surveillance System

- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To document deputy and offender conduct during interactions to safeguard the rights of the public and deputies.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Supervisor's office and the Dispatch Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding deputies in a timely manner. The Supervisor or trained the Dispatch Center personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Marshal may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than deputy personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

347.3.1 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under deputy surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

347.3.1 INTEGRATION WITH OTHER TECHNOLOGY

The Office may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of office strategy.

The Office should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

347.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within office policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

347.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have

Public Safety Video Surveillance System

been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

347.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

347.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

347.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

347.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the CCPD.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for office public records.

Public Safety Video Surveillance System

Requests for recorded images from other law enforcement agencies shall be referred to the Supervisor for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established office subpoena process.

347.7 VIDEO SURVEILLANCE AUDIT

The Marshal or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Marshal or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

347.8 TRAINING

All office members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

348.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office.

This policy does not address the actions to be taken during the course of a child abuse or adult abuse investigation. These are covered in the Child Abuse and the Adult Abuse policies.

348.2 POLICY

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The CCPD will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

348.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Child and Dependent Adult Safety

348.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Child Safety or the Division of Aging and Adult Services of the Arizona Department of Economic Security if appropriate.
- (e) Notify the field supervisor or Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

348.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

Child and Dependent Adult Safety

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

348.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

348.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

348.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other office-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the deputy's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Child and Dependent Adult Safety

348.5 TRAINING

The Training Coordinator is responsible to ensure that all personnel of this office who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

349.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The CCPD recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

349.2 SERVICE ANIMALS

The ADA and Arizona law define a service animal as any dog or miniature horse that is individually trained or in training to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104; ARS § 11-1024).

349.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are deaf or hard of hearing.
- (c) Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

349.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the CCPD affords to all members of the public.

Service Animals

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this office are expected to provide all services as are reasonably available to an individual with a disability (ARS § 11-1024).

If it is apparent or if a deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- (a) Is the animal required because of a disability?
- (b) What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Office members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Volunteer Program

352.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, certified deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

352.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

352.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an CCPD volunteer include:

- (a) Residency in the Town of Colorado City.
- (b) At least 18 years of age for all positions.
- (c) A valid driver license if the position requires vehicle operation.
- (d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty or any crime related to impersonating a law enforcement officer.
- (f) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.
- (g) The applicant must not have any mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.
- (h) Physical requirements reasonably appropriate to the assignment.
- (i) A personal background history and character suitable for a person representing the Office, as validated by a background investigation.

The Marshal may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

Volunteer Program

352.2

352.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or a designee shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions
- (b) Maintaining records for each volunteer.
- (c) Tracking and evaluating the contribution of volunteers.
- (d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (e) Maintaining a record of volunteer schedules and work hours.
- (f) Completion and dissemination as appropriate of all necessary paperwork and information.
- (g) Planning periodic recognition events.
- (h) Administering discipline when warranted.
- (i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering.

352.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

352.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or a designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check

Volunteer Program

- (b) Employment
- (c) References
- (d) Fingerprint check through the Arizona Department of Public Safety (DPS)
- (e) Credit check

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and clearance through DPS and the FBI.

352.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening, paperwork, and a public service orientation program (see generally ARS § 38-592(B)(4)).

At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of the job description and agreement of service with the Office. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Office.

Reserve Unit volunteers are generally assigned to augment regular staffing levels.

352.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the office, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include:

- (a) Role of the volunteer
- (b) Office policies
- (c) Training specific to the procedure manual for the volunteer position
- (d) Discrimination and harassment training
- (e) CPR/first aid
- (f) CERT/Citizens Emergency Response Training

Volunteer Program

- (g) Search and rescue techniques
- (h) Scenario-based searching methods
- (i) Evidence preservation
- (j) Basic traffic direction and control
- (k) Roadway incursion safety
- (l) Self-defense techniques
- (m) Vehicle operations, including specialized vehicles
- (n) Horsemanship
- (o) Issuance of citations

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are certified officers or other full-time members of the Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Office. Whenever a rule, regulation or guideline in this manual refers to a certified deputy, it shall also apply to a volunteer, unless by its nature it is inapplicable.

352.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations
- (e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this office regarding drug and alcohol use.

352.2.7 DRESS CODE

As representatives of the Office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by certified deputies. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteer Program

Volunteers shall be required to return any issued uniform or office property at the termination of service.

352.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

352.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by office policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Office. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

352.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

Volunteer Program

352.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing
- (b) Verification that the volunteer possesses a valid driver license
- (c) Verification that the volunteer carries current vehicle insurance

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that it is being operated during a AZPOST-approved skills course; that it is being used to transport prisoners or equipment; that it is being used to provide supplementary assistance under the direction of an on-duty certified deputy. Volunteers are not authorized to operate a Office vehicle under emergency conditions (lights and siren).

352.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

352.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Marshal or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Marshal or a designee.

Volunteers may resign from volunteer service with this office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

352.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Office.

Volunteer Program

352.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

352.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.

Native American Graves Protection and Repatriation

354.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

354.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

354.2 POLICY

It is the policy of the CCPD that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

354.3 COMPLIANCE WITH NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Director of the Arizona State Museum (ARS § 41-844; ARS § 865)
- Tribal land - Responsible Indian tribal official

354.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Off-Duty Law Enforcement Actions

355.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the CCPD with respect to taking law enforcement action while off-duty.

355.2 POLICY

Deputies generally should not initiate law enforcement action while off-duty. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this office who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

Deputies should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law.

355.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations, state law and Office policy. All firearms and ammunition must meet guidelines as described in the Office Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their Office-issued badge and identification.

Deputies shall not carry a firearm off duty while consuming any amount of alcohol, or taking any drugs or medication or any combination thereof that would alter the deputies normal state of mind, or adversely affect the deputies senses or judgment.

355.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.

Off-Duty Law Enforcement Actions

- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

355.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an CCPD deputy until acknowledged. Official identification should also be displayed.

355.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

355.4.3 RESPONSIBILITIES

Civilian members should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

355.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

355.5 REPORTING

Any deputy, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the CCPD). If prior contact is not reasonably possible, a deputy shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Supervisor shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate (Utah Code § 77-9-3).

Community Relations

356.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- (a) Hate or Prejudice Crimes Policy.
- (b) Communications with Persons with Disabilities Policy.
- (c) Patrol Function Policy.
- (d) Suspicious Activity Reporting Policy.

356.2 POLICY

It is the policy of the CCPD to promote positive relationships between office members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

356.3 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the office community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify the Dispatch Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Dispatch Center of their location and status during the foot patrol.

356.4 COMMUNITY RELATIONS COORDINATOR

The Marshal should designate a member of the Office to serve as the community relations coordinator. He/she should report directly to the Marshal or the authorized designee and is responsible for:

- (a) Obtaining office-approved training related to his/her responsibilities.
- (b) Responding to requests from office members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

Community Relations

- (c) Organizing surveys to measure the condition of the office's relationship with the community.
- (d) Working with community groups, office members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between office members and the community and provide community members with an improved understanding of office operations.
- (e) Working with the Patrol Supervisor to develop patrol deployment plans that allow deputies the time to participate in community engagement and problem-solving activities.
- (f) Recognizing office and community members for exceptional work or performance in community relations efforts.
- (g) Attending Town council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the office's response to events that may affect community relations, such as an incident where the conduct of a office member is called into public question.
- (i) Informing the Marshal and others of developments and needs related to the furtherance of the office's community relations goals, as appropriate.

356.5 SURVEYS

The Marshal should arrange for a survey of community members and office members to be conducted at least annually to assess the condition of the relationship between the Office and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Office
- (b) Overall competence of office members
- (c) Attitude and behavior of office members
- (d) Level of community trust in the Office
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Town manager.

356.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for office members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Office-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.

Community Relations

- (d) School resource deputy/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

356.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in office operations, comments, feedback, positive events) between the Office and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Office Use of Social Media Policy).
- (c) Office website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

356.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that deputies do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Office website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Office ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Office.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Office regarding alleged misconduct or inappropriate job performance by office members.

356.9 SAFETY AND OTHER CONSIDERATIONS

Office members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Office members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or

Community Relations

guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

356.10 COMMUNITY ADVISORY COMMITTEE

The Marshal should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Office to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Office and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Marshal should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Marshal may ask the committee to review certain personnel complaints for the purpose of recommendations regarding training or other issues as appropriate.

356.10.1 LEGAL CONSIDERATIONS

The Marshal and the community relations coordinator should work with the Town Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

356.11 TRANSPARENCY

The Office should periodically publish statistical data and analysis regarding the office's operations. The reports should not contain the names of deputies, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding office operations.

356.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.

Community Relations

- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Office to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION

Patrol is a primary law enforcement function that includes much more than simply walking or driving a beat, and answering calls for assistance. Patrolling is a key part of the general duty deputies of this department owe to the community. During effective patrols deputies engage in a wide variety of activities to include: preventing crime, enforcing traffic and criminal laws, answering complaints, conducting follow up investigations, community relations, transporting prisoners, homeland security, and a host of other community support activities.

Deputies will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Colorado City and Hildale, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, federal laws when authorized or empowered by agreement or statute and respond to emergencies 24 hours a day, seven days a week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the patrol and other sections within the Office, as well as other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.
- (j) Disasters, civic unrest and natural emergencies.

400.1.2 TERRORISM

It is the goal of the CCPD to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should

Patrol Function

advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Patrol supervisor in a timely fashion. The Patrol supervisor shall review all terrorism-related reports as soon as practicable and contact the Arizona Counter Terrorism Information Center (ACTIC) (877-2-SAVE-AZ) when there is a reasonable suspicion that a terrorism threat exists.

400.1.3 ASSIGNMENTS

Patrol assignments are at the discretion of the Marshal. Allocation of patrol resources is in part, based on the following criteria:

- (a) Number of calls for service
- (b) Number offenses and incidents
- (c) Number of businesses
- (d) Available staffing levels
- (e) Other specific needs such as special events or investigations support; and
- (f) Special requests for service

Deputies are normally assigned to the entire patrol area that the CCMO is responsible for, because of the minimal number of staff on duty at any given time. However, every effort will be made to assign them to specific areas on a permanent basis for the following reasons:

- (a) To allow the deputy to become better acquainted with the persons, businesses, organizations, and hazards in the area. and;
- (b) To help place accountability for events occurring in a certain area to a specific set of deputies.

Partial rotation may be necessary when particular deputies are required to perform specific types of assignments in other parts of the jurisdiction. The Marshal rotates area assignments whenever necessary to maintain high levels deputy interest and responsiveness to the law enforcement needs of the community.

400.1.4 COMMUNICATION, COORDINATION, AND COOPERATION

Patrol is the foundation of community policing. In order for the agency to accomplish its mission, deputies cooperate with and support personnel assigned to other duties. This support includes exchange of information with criminal investigators, crime prevention specialists, and those assigned other tasks, and actual work force assistance. This cooperation and exchange is enhanced by:

- (a) Attending staff meetings where matters of departmental interest are discussed and ideas are exchanged.
- (b) Daily review of patrol, investigative and offense reports and other information;
- (c) Sharing of information and assistance;

Patrol Function

- (d) Review of and compliance with new policies and procedures and;
- (e) Making recommendations that improve agency effectiveness or efficiency.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various sections of the CCPD.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis information exchange is the Marshal or his designee responsibility. Criminal information and reports can be submitted to the Records Section for distribution to all sections within the Office through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or deputies will be provided an opportunity to share information through daily patrol briefings, as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by deputies from all sections within the Office. These include, but are not limited to, the patrol check clipboard, the wanted persons clipboard and the written directive clipboard.

400.2.5 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Patrol for display of suspect information, investigative reports and photographs. New General Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the General Order will be placed on the briefing room clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or

Patrol Function

responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Deputies may consider the current No Trespass Public Notice List established by the Secretary of State when responding to complaints by an employer of unlawful picketing, assembly or mass picketing on an employer's property (ARS § 23-1321; ARS § 23-1326). If the property is identified on the list, deputies may not require any additional documentation from the employer to establish the employer's property rights.

Refer to policy 430 for detailed response guidelines for public assemblies or gatherings.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the CCPD's commitment to policing that is fair, consistent, objective and bias-free, and establishes appropriate controls to ensure that CCMO employees do not engage in bias-based policing or violate any related laws while serving the community.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

Inappropriate reliance includes selecting an individual for law enforcement contact or police action, including a stop, use of force, detention, search, issuance of citation, or arrest, based on any of the characteristics listed above as well as the selective enforcement or non-enforcement of the law.

Explicit bias - Bias that reflects a person's consciously held belief or attitude. An explicit bias is one that a person is or can be aware of.

Implicit bias - Bias that results from unconscious stereotype, associations, feelings, perceptions, or attitudes. Unlike explicit bias, implicit bias may exist without a person's awareness and can contradict that person's stated beliefs.

401.2 POLICY

The CCPD is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group. Biased-based policing is strictly prohibited. Biased-based policing is detrimental to effective law enforcement because it fosters distrust in the community and undermines CCMO's ability to enforce the law.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited. Law enforcement and investigative decisions must be based on observable behavior or specific and reliable information.

CCMO employees who engage in, ignore, or condone bias-based policing will be subject to discipline, up to and including termination.

Bias-Based Policing

Except as part of a reliable and specific description of an individual's identity, linking the individual to an event or location, an individual's actual or perceived race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group shall not be a factor in determining the reasonable suspicion for a stop or probable cause for an arrest.

401.4 MEMBER RESPONSIBILITIES

In a effort to prevent perceptions of bias, deputies shall use the following measures when conducting contacts, stops, field interviews, arrests and searches and seizures of property.

- (a) Be courteous and professional, and identify themselves.
- (b) Introduce himself or herself and explain to the subject the reason for the contact, stop, or field interview as early as safety permits. When conducting standard vehicle stops, this information shall be provided before asking for the drivers license and registration.
- (c) Ensure the purpose of reasonable delays is explained tot he individual.
- (d) If reasonable suspicion for the stop is dispelled or the stop was made in error, explain this to the person detained.

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for reporting any suspected or known instances of bias-based policing to a supervisor before the end of the shift during which they became aware of the incident. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 SPECIAL CIRCUMSTANCES REGARDING CONTACTS

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card, stop forms required by CCMO Policy 419), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITY

Supervisors should monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any public complaints or other alleged or observed violations in accordance with the Personnel Complaints Policy. All alleged or observed violations of bias-based policing shall be documented.

- (a) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminaland any other available resource used to document contact between deputies and the public to ensure compliance with this policy
 1. Recordings that capture a potential instance of bias-based profiling should be appropriately retained for administrative investigation purposes.

Bias-Based Policing

- (b) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Patrol Supervisor should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Marshal. Among other things, the report shall identify and assess any discriminatory patterns or trends with respect to public complaints, motor vehicle and pedestrian stops, citations, and arrests. The annual report should not contain any identifying information about any specific complaint, citizen or deputies. It should be reviewed by the Marshal to identify any changes in training or operations that should be made to improve service.

Supervisors should review the report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on bias-free policing, to include identification of biased based policing practices, implicit bias, methods and strategies for more effective policing that rely on non-discriminatory factors, and a review of this policy should be provided annually to all office member's.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the CCPD to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

Crime and Disaster Scene Integrity

403.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any certified member of this office is authorized to execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (AAC § R9-6-303). (Utah Code 26-6b-3; Utah Code 26-6b-3.2).

403.7 SCENE CLEANUP

Scene cleanup on public property will be requested through the fire department. Private property owners should be advised to contact their insurance carrier or the state's Crime Victim Compensation Program for submitting a claim for reimbursement for a crime scene cleanup (AAC § R10-4-107).

Special Weapons and Tactics Team

404.1 PURPOSE AND SCOPE

The Special Weapons and Tactics Team (SWAT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary. The CCMO does not currently support it's own SWAT unit, as it is a smaller agency. Therefore CCMO will rely on outside jurisdictions to provide this service. The following should be considered when requesting an outside agency SWAT unit for support. The actual request for an outside SWAT unit will be made by the Marshal or on duty Supervisor.

404.1.1 SWAT TEAM DEFINED

SWAT team - A designated unit of law enforcement officers, including a multi-jurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of office policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 MANAGEMENT/SUPERVISION OF SPECIAL WEAPONS AND TACTICS TEAM

The Marshal or his designee shall work closely with the outside SWAT unit commander during an incident where they have been called to assist the CCMO.

404.3 OPERATIONAL GUIDELINES FOR SPECIAL WEAPONS AND TACTICS TEAM

The following procedures serve as guidelines for the operational deployment of the Special Weapons and Tactics Team. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SWAT lieutenant.

404.3.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Special Weapons and Tactics Team should respond. The Marshal should be included in this assessment when available. Upon final determination by the Supervisor, the outside agency SWAT Commander will be notified.

404.3.2 APPROPRIATE SITUATIONS FOR USE OF SPECIAL WEAPONS AND TACTICS TEAM

The following are examples of incidents that may result in the activation of the Special Weapons and Tactics Team:

Special Weapons and Tactics Team

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages have been taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation where a SWAT response could enhance the ability to preserve life, maintain social order and ensure the protection of property.

404.3.3 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Weapons and Tactics Team, field personnel should, if safe, practicable and if sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish a patrol emergency arrest/response team prior to SWAT arrival. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.
 - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communications with the suspect. Once the SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.
- (f) Be prepared to brief the outside agency SWAT Commander on the situation.
- (g) Plan for and stage anticipated resources.

Ride-Along Policy

406.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

406.1.1 ELIGIBILITY

The CCPD ride-along program is offered to residents, students and those employed within the Town. Every reasonable attempt will be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- (a) Being under 18 years of age.
- (b) Prior criminal history.
- (c) Pending criminal action.
- (d) Pending lawsuit against the Office.
- (e) Denial by any supervisor.

406.1.2 AVAILABILITY

The ride-along program is available on most days of the week. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Marshal or his designee.

406.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Marshal or his designee. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number.

The Marshal or his designee will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective Supervisor as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Office will contact the applicant and advise him/her of the denial.

Family members will be approved to by the Marshal, however all ride along's will comply with this policy.

406.2.1 PROGRAM REQUIREMENTS

When practicable, ride-a longs who request multiple opportunities to participate in the ride-along program should be rotated among deputies. The Marshal may deny a ride along without cause.

Ride-along requirements for deputy cadets are covered in the Deputy Cadets Policy.

Ride-Along Policy

406.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the deputy vehicle. The Supervisor may refuse a ride-along to anyone not properly dressed.

406.2.3 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Criminal History System check prior to approval (provided that the ride-along is not an employee of the CCPD).

406.3 DEPUTY'S RESPONSIBILITIES

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times.

Deputies should use sound discretion when encountering a potentially dangerous situation and if feasible let the participant out of the vehicle in a well-lighted place of safety. Deputies will not engage in or respond to a high risk incident, such as a high speed pursuit with a rider in their vehicle. The dispatcher will be advised of the situation and as soon as practicable have another deputy unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Supervisor.

The Marshal or his designee is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Marshal or his designee with any comments that may be offered by the deputy.

406.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include:

- (a) The ride-along will follow the directions of the deputy.
- (b) The ride-along shall not carry a firearm or any other weapon on a ride along. Specific exceptions may apply if the ride along is a certified peace officer from another jurisdiction and must be approved by the Marshal.
- (c) The ride-a long must not pose as, or portray themselves to be, law enforcement officers unless they are certified as such.
- (d) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any deputy equipment.

Ride-Along Policy

- (e) The ride-along may terminate the ride at any time and the deputy may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the deputy's duties.
- (f) Ride-a long's may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.
- (g) Deputies will not allow any ride-a longs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.
- (h) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with a deputy without the express consent of the resident or other authorized person.
- (i) Ride-a longs shall be returned to his/her home, the place of the ride origin or to the station when the ride-along is terminated.

Hazardous Material Response

407.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with state law, the following represents the policy of this office.

407.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - Includes, without limitation, hazardous material, a regulated substance, a pollutant, a contaminant or as outlined in ARS § 26-301(8).

407.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards. Responders should not perform tasks or use equipment absent proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material.
- (b) Notify the appropriate fire department.
- (c) Provide first aid to injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.
- (e) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area is established.

407.3 REPORTING EXPOSURE

Office personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum, which shall be forwarded via chain of command to the Supervisor. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Hazardous Material Response

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

407.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Office will be obtained through the appropriate fire department.

Hostage and Barricade Incidents

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide directives for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

In all Hostage and/or Barricaded incidents, deputies will contact their immediate supervisor, who will decide if a tactical operation is needed to resolve the incident. The supervisors will be trained on the thresholds and circumstances that would require the above teams assisting CCMO. The supervisor will then request either Mohave County Swat Team or the Washington County Metro Swat Team and Hostage negotiators, for assistance to handle the call, depending on which jurisdiction it is occurring in. If a supervisor is not available, the deputy will contact either counties specialized team leader. They will assist in determining if their response is required or not. A Memorandum of Understanding will be completed with the above counties for assistance.

Whenever possible deputies should employ good communication and de-escalation techniques in response to a barricaded subject with, or without a hostage.

Deputies will take direct, tactical action only when the circumstances present a substantial risk of death or serious injury to a civilian or a deputy, unless direct, tactical action is taken.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

408.2 POLICY

It is the policy of the CCPD to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

408.3 COMMUNICATION

Initial responding deputies shall try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility

Hostage and Barricade Incidents

in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

408.3.1 EMERGENCY COMMUNICATIONS

Should the Incident Commander determine that an emergency situation exists that involves immediate danger of death or serious physical injury to any person and that such may be averted by interception of wire, electronic or oral communications, the Incident Commander should contact the Prosecuting Attorney and request authorization for an emergency interception (ARS § 13-3012; ARS § 13-3015).

408.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy shall immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

408.4.1 BARRICADE SITUATION

Deputies handling a barricade situation shall avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel.. SWAT and Trained Negotiators shall be requested as soon as possible after the barricade situation has been confirmed. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., swat, canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

Hostage and Barricade Incidents

- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

408.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation shall avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel. Swat and Trained Negotiators shall be requested as soon as possible after the Hostage Situation has been confirmed.. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., swat, canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

Hostage and Barricade Incidents

- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

408.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the Town during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Dispatch Center.
- (i) Identify a media staging area outside the outer perimeter and have the office PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

408.6 SWAT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support

Hostage and Barricade Incidents

for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

The assisting agency SWAT policy will direct their actions when assisting CCMO. The CCMO Chief and supervisors will be trained on the MOU for consistency and understanding.

Training will be conducted periodically in both Colorado City and Hildale to ensure the deputies are familiar with the both counties SWAT and Hostage Negotiator Teams.

408.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the CCPD in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

409.2 POLICY

It is the policy of the CCPD to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

409.3 RECEIPT OF BOMB THREAT

Office members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established office evidence procedures.

The member receiving the bomb threat should ensure that the Supervisor is immediately advised and informed of the details. This will enable the Supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

409.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

409.4.1 CCPD FACILITY

If the bomb threat is against the CCPD facility, the Supervisor will direct and assign deputies as required for coordinating a general building search or evacuation of the deputy office, as he/she deems appropriate.

409.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the CCPD that is not the property of this office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Supervisor deems appropriate.

409.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

Response to Bomb Calls

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

409.5 PRIVATE FACILITY OR PROPERTY

When a member of this office receives notification of a bomb threat at a location in the Town of Colorado City or Hildale, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied, and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting deputy assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

409.5.1 ASSISTANCE

The Supervisor should be notified when deputy assistance is requested. The Supervisor will make the decision whether the Office will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including deputy control over the facility.

Should the Supervisor determine that the Office will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.

Response to Bomb Calls

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request deputy assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

409.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) Immediately request assistance by the authorized bomb squad.
- (b) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (c) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (d) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device, this should be a minimum of 300 ft., preferably 600 ft.. This includes the following:
 1. Two-way radios
 2. Cell phones
 3. Other personal communication devices
- (e) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (f) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (g) A safe access route should be provided for support personnel and equipment.
- (h) Search the area for secondary devices as appropriate and based upon available resources.
- (i) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (j) Promptly relay available information to the Supervisor including:
 1. The time of discovery.
 2. The exact location of the device.
 3. A full description of the device (e.g., size, shape, markings, construction).

Response to Bomb Calls

4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

409.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

409.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

409.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- (a) Fire department
- (b) Bomb squad
- (c) Additional office personnel, such as investigators and forensic services
- (d) Supervisor
- (e) Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- (f) Other government agencies, as appropriate

409.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

Response to Bomb Calls

409.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Supervisor should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Crisis Intervention Incidents

410.1 PURPOSE AND SCOPE

This policy provides guidelines for training, interacting with, handling and supervising situations with those who may be experiencing a mental health or emotional crisis to include suicide. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual. CCMO does not currently have a crisis intervention Team. All members must be prepared to address situations involving individuals in crisis.

410.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person experiencing intense feelings of personal distress (e.g. anxiety, depression, fear, anger, panic, hopelessness) or obvious changes in outward behavior (e.g. neglect of personal hygiene, unusual behavior) or catastrophic life events culminating in thoughts or acts that are possibly dangerous to his or herself and/or others.

Detention - A restriction of movement or freedom to move. It may be of any duration.

CIT - "Crisis Intervention Team" is made up of stakeholders and partnerships from law enforcement, criminal justice services, behavioral healthcare services and other community members, that have the skill set to deal with and handle situations involving those individuals who find themselves in crisis.

CIT Training - A 40 hour training course that all CCMO deputies will attend after being hired. This training is put on by trained instructors, and based on a standardized curriculum that is used by many agencies. The training is designed to train first responders in proper methods of crisis response and resolution. There will also be annual CIT refresher/awareness training required for all deputies in responding to and handling crisis intervention calls for service.

Receiving facility - Refers to any screening and treatment facility that can provide a mental health examination.

CIT Supervisor - A CCMO Sergeant assigned to oversee the training and coordination of all CIT involvement/responses. This will include to continually enhance community partnerships with advocates and mental health professionals and provide a system of care for people in crisis.

Substance Abuse - The harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.

410.2 POLICY

The CCPD is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate with mental health professionals to develop an overall intervention strategy to guide its

Crisis Intervention Incidents

members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved. All deputies will be trained in Crisis Intervention techniques to understand the best method of providing assistance to those in our community experiencing a crisis.

410.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

410.4 COMMUNICATION SERVICES RESPONSIBILITIES (DISPATCH)

- (a) The quality of information gathered by call takers can effect the way officers respond to and resolve a call for service. Gathering information is critical at all stages in assessing the situation but is particularly critical at the beginning.
- (b) When a call is received about the actions or behavior of a person potentially in crisis, it is essential that call takers try to collect information to prepare the responding officers, including:
 - 1. The nature of the problem behavior
 - 2. Name of the individual potentially in crisis
 - 3. Events that may have triggered the persons behavior;
 - 4. History of treatment for mental illness; and
 - 5. The presence of weapons
- (c) The party calling about a person in need may be able to provide additional information such as:

Crisis Intervention Incidents

1. Past occurrences of this or other past behaviors;
 2. Past incidents involving injury or harm to the individual or others;
 3. Previous suicide threats;
 4. Reliance on medication or failure to take medication;
 5. Names of and contact information for relatives, friends, or neighbors available to assist officers; and
 6. Names of and contact information for physicians or mental health professionals or peer supporters available to assist.
- (d) The dispatch should notify a CCMO supervisor as soon as practicable after receiving a crisis call
- (e) The dispatcher shall relay as much information as possible to all units responding to the call for of an individual in crisis
- (f) If circumstances permit, the first officer on the scene shall wait for backup before handling the call
- (g) If possible/available secondary units and a supervisor shall respond to these calls

410.4.1 INCIDENT ORIENTATION

When responding to an incident that may involve illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous calls for service with this individual.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

410.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis. When safe to do so, the deputies will attempt to de-escalate the situation prior to using any use of force techniques or tactics.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration. The ideal resolution for a crisis incident is that the individual is diverted from the criminal justice system and connected with the resources that can provide long-term stabilizing report.

Crisis Intervention Incidents

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

410.5.1 TRANSPORTATION

- (a) Deputies shall search the individual before transporting in accordance with the office transportation policy
- (b) When transporting any individual in custody for a mental illness evaluation, the handling deputy shall direct dispatch to notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and any special care needs of the individual that are reasonably known to the officer.
- (c) Transportation options include:
 1. EMS when there is a medical need or emergency;
 - (a) A deputy may ride in the ambulance if the individual is violent and may restrain the individual prior to transporting in accordance with the CCMO handcuffing and Restraint devices policy
 - (b) A deputy may follow the ambulance if requested by EMS personnel.
 2. If the individual in crisis is not violent, the deputy may transport in a marked unit with a safety screen. When available two deputies will transport an individual in crisis. The deputy may use restraints in accordance with CCMO handcuffing and restraint policy.
- (d) Upon arrival at the treatment facility and presentation of the individual for intake, the deputy shall remain with the individual until the facility has assumed responsibility of

Crisis Intervention Incidents

the individual, and then the deputy shall be relieved of any further responsibility. The person shall be immediately examined by the receiving facility.

410.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- (a) Evaluate safety conditions.
- (b) Introduce themselves and attempt to obtain the person's name.
- (c) Be patient, polite, calm, courteous and avoid overreacting.
- (d) Speak and move slowly and in a non-threatening manner.
- (e) Moderate the level of direct eye contact.
- (f) Remove distractions or disruptive people from the area.
- (g) Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- (h) Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- (a) Use stances or tactics that can be interpreted as aggressive.
- (b) Allow others to interrupt or engage the person.
- (c) Corner a person who is not believed to be armed, violent or suicidal.
- (d) Argue, speak with a raised voice or use threats to obtain compliance.

410.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

Crisis Intervention Incidents

- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Supervisor.
- (f) Evaluate whether a critical incident stress management debriefing for involved member is warranted.

410.8 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to office reporting procedures or other official mental health or medical proceedings. The deputies will do a complete, detailed and articulate report on all responses to a crisis intervention incident. If the individual in crisis is transported to a receiving facility at the request of the deputy, the deputy will include/attach a copy of the receiving facility form (pink sheet) with the incident report.

410.8.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitment policy.

410.9 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

410.10 EVALUATION

The supervisor designated to coordinate the crisis intervention strategy for this office should ensure that a thorough review and analysis of the office response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Marshal through the chain of command.

Crisis Intervention Incidents

410.11 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all office members to enable them to effectively interact with persons in crisis. All deputies will be trained in Crisis Intervention techniques/processes as soon as possible after being hired by the CCMO. All deputies will receive annual in-service training in responding to crisis intervention calls for service.

Civil Commitments

411.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under protective custody for civil commitment (ARS § 36-525).

411.2 POLICY

It is the policy of the CCPD to protect the public and individuals through legal and appropriate use of the civil commitment process.

411.3 AUTHORITY

A deputy may take a person into custody based upon probable cause to believe that the person is a danger to him/herself or others, and that during the time necessary to complete the pre-petition screening procedures, the person is likely, without immediate hospitalization, to suffer serious physical harm, serious illness or to inflict serious physical harm on another person (ARS § 36-525).

The deputy shall transport the person to a screening or evaluation agency (ARS § 36-525).

A deputy shall also take a person into custody and transport the person to the evaluation agency upon the request of authorized medical admission personnel who advise that sufficient grounds exist for protective custody (ARS § 36-524; ARS § 36-525).

If the person is taken into custody at or near his/her residence, the deputy shall take reasonable precautions to safeguard the premises, unless the premises are in the possession of a responsible relative or guardian (ARS § 36-525).

411.3.1 UTAH AUTHORITY

If a deputy observes a person involved in conduct that gives the deputy probable cause to believe that the person is mentally ill, and because of that mental illness, there is a substantial likelihood of serious harm to that person or others, the deputy may take that person into protective custody (Utah Code 62A-15-629, 62A-15-629(2)).

The deputy shall transport the person to a designated facility of the appropriate local mental health authority, either on the basis of his/her own observation or on the basis of a mental health officer's observation reported to him/her by the mental health officer. The deputy shall place the person in the custody of the local mental health authority and make application for commitment.

411.3.2 MENTAL HEALTH PETITIONS

A deputy is also authorized to take persons into protective custody and transported as directed under the following conditions:

- (a) Upon receipt of a signed court order (ARS § 36-540).
- (b) Upon the written request of the medical director when patient's outpatient treatment has been rescinded (ARS § 36-540; ARS § 36-540.01).

Civil Commitments

- (c) Upon the oral or written request of the medical director of a mental health treatment facility, when a patient is absent without proper authorization from the facility (ARS § 36-544).

411.3.3 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, deputies should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

411.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Civil commitments should be preferred over arrest for people with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

411.5 TRANSPORTATION

Deputies shall contact a supervisor when taking an individual into protective custody prior to transporting, or as soon as practicable.

When transporting any individual for a civil commitment, the transporting deputy should have the Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Supervisor approval is required before transport commences.

Civil Commitments

411.5.1 UTAH METHOD OF TRANSPORTATION

If the designated facility is outside of this department's jurisdiction, the appropriate county sheriff shall transport the person or cause the person to be transported by ambulance (Utah Code 62A-15-629(4)).

Deputies shall cause a person to be transported by ambulance if it reasonably appears the person is medically or mentally unstable and requires direct medical observation during transport (Utah Code 26-8a-305(2)).

411.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

The deputy shall provide an oral summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention. The receiving facility will receive a written summary of the incident when the deputy submits the Crisis Intervention Form required by the receiving facility.

411.7 DOCUMENTATION

The deputy should complete a written application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for inclusion in the case report.

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

411.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a civil commitment should resolve the criminal matter by issuing a notice to appear, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support a civil commitment.

Civil Commitments

- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

Deputies shall not state to any person that involuntary admission may result if such person does not voluntarily admit himself/herself unless the officer is prepared to execute an involuntary commitment document for the individual.

411.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

411.10 TRAINING

This office will endeavor to provide office-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

Citation Releases

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the CCPD with guidance on when to release adults who are suspected offenders on a written notice to appear and complaint for a criminal offense, rather than having the person held in custody for a court appearance or released on bail (ARS § 13-3903).

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

412.2 POLICY

The CCPD will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a written notice to appear and complaint, when authorized to do so.

412.3 RELEASE

A suspected offender may be released on issuance of a notice to appear and complaint if the person is arrested for a misdemeanor offense or a petty offense (ARS § 13-3903). Any release pursuant to ARS § 13-3903 does not affect a deputy's authority to conduct a lawful search incident to arrest even though the arrested person is released before being taken to a station, booking facility or magistrate (ARS § 13-3903).

412.3.1 RELEASE FOLLOWING FINGERPRINTING

For offenses listed in ARS § 41-1750(C), the offender shall not be released until proof of proper identification and a fingerprint or two fingerprint biometric-based identifier is obtained. If a 10-print fingerprint card is not completed, the person shall be provided with a mandatory fingerprint compliance form with appropriate information and instructions for reporting for 10-print fingerprinting, including available times and locations (ARS § 13-3890; ARS § 13-3903; ARS § 41-1750).

412.3.2 UTAH RELEASE

A suspected offender may be released on issuance of a citation as follows:

- (a) When the person is arrested for a misdemeanor or infraction charge (Utah Code 77-7-18).
 1. In the case of a seat belt or child safety seat infraction, the person may not be issued a citation unless a previous warning has been issued to the person (Utah Code 41-6a-1805).
- (b) When a warrant has been issued by a magistrate who has included in the order that the person be released on a summons (U. R. Crim. P. Rule 6).

Citation Releases

412.4 PROHIBITIONS

The release of a suspected offender on a notice to appear and complaint is not permitted when the person is arrested for disobeying or resisting an injunction prohibiting harassment (ARS § 12-1809) or workplace harassment (ARS § 12-1810), or disobeying or resisting a preliminary injunction or temporary order relative to dissolution of marriage, legal separation or annulment (ARS § 25-315).

See the Domestic Violence Policy for release restrictions related to those investigations.

412.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, deputies should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

412.5.1 UTAH LEGISLATIVE PRIVILEGE

Members of the Legislature shall not be subject to arrest during each general and special session of the Legislature or for 15 days immediately preceding and following each session, except for any felony, treason or breach of the peace. Legislators may be issued a citation and a summons to appear at a date outside of the time of legislative privilege (Utah Constitution Article VI § 8).

412.5.2 UTAH NATIONAL GUARD PRIVILEGE

Members of the National Guard shall not be subject to citation or arrest during military exercises or other duty when emergency circumstances require the member's presence, except for an act of treason, a class A misdemeanor or felony, breach of the peace, reckless driving or driving under the influence (DUI) (Utah Code 39-1-54).

412.5.3 UTAH VOTER PRIVILEGE

A person who attends an election or who is traveling to and from a voting location shall not be subject to arrest on an election day, except for an act of treason, a felony or a breach of the peace (Utah Constitution Article IV § 3).

Diplomatic and Consular Contacts

413.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the CCPD extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

413.2 POLICY

The CCPD respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

413.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.
- (f) Record all relevant information from any driver license or identification card, including a driver license or identification card issued by DOS (ARS § 28-1652(2)).

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

Diplomatic and Consular Contacts

413.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 1. Diplomatic-level staff of missions to international organizations and recognized family members
 2. Diplomatic agents and recognized family members
 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 2. Support staff of missions to international organizations
 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 4. Honorary consular officers

413.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

- (a) Within five working days after the date of any traffic stop of persons with diplomatic or consular privileges, forward all of the following to the Arizona Department of Public Safety (DPS) (ARS § 28-1652(3)):
 1. If the driver is involved in a vehicle accident, forward the vehicle accident report.

Diplomatic and Consular Contacts

2. If a citation was issued to the driver, forward a copy of the citation.
3. If a citation was not issued to the driver, forward a written report of the incident.

413.5.1 UTAH DOCUMENTATION PROCEDURES

A deputy who stops a person holding a driver's license issued by the DOS or otherwise claiming privileges or immunities, for a moving traffic violation or any of the following offenses while operating a vehicle shall document all of the relevant information from the driver license or identification card (Utah Code 41-6a-1901):

- (a) Automobile homicide
- (b) Manslaughter
- (c) Negligent homicide
- (d) Aggravated assault
- (e) Reckless endangerment

413.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as Sponsor (full immunity and inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note(a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts. Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts. Yes Otherwise.	No for official acts. Yes otherwise.	No immunity or inviolability

Diplomatic and Consular Contacts

Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts. Yes Otherwise.	No for official acts. Yes Otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Org	Yes	Yes	Yes	Yes	No for official acts. Yes otherwise.	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

415.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies in situations that call for rapid response and deployment.

415.2 POLICY

The CCPD will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable, necessary and proportional force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

415.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

415.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

Rapid Response and Deployment

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, deputies should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

415.5 PLANNING

The Patrol Supervisor should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

Rapid Response and Deployment

415.6 TRAINING

The Training Coordinator should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).
- (f) Training with all surrounding agencies in this discipline should occur annually. This will help ensure a coordinated response to these critical incidents.

Immigration Violations

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the CCPD relating to immigration and interacting with federal immigration officials.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Detentions - A detention occurs when a deputy intentionally, through words, actions or physical force causes a reasonable individual to believe he/she is being required to restrict his/her movement. Detentions also occur when a deputy actually restrains a person's freedom of movement.

Consensual contacts - A consensual contact occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

416.2 POLICY

It is the policy of the CCPD that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

416.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Arizona constitutions.

416.4 DETENTIONS

A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the deputy may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

Immigration Violations

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

A deputy should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

416.4.1 CIVIL VERSUS CRIMINAL OFFENSES

An individual who enters into the United States without authorization has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but remains beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

- (a) An admission that the person entered the United States illegally.
- (b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.
- (c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.
- (d) Proximity to a United States border or known routes for illegal entry into the United States.
- (e) Other factors based upon training and experience, particularly those identified by Peace Officer Standards and Training (POST) material.

416.4.2 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

Immigration Violations

416.4.3 DETERMINING IMMIGRATION STATUS DURING STOPS AND DETENTIONS

Unless it would hinder an investigation, deputies shall, when practicable, make a reasonable attempt to determine the immigration status of any person lawfully stopped or detained in the enforcement of any state or local law or ordinance where reasonable suspicion exists that the person is unlawfully present in the United States (ARS § 11-1051).

Attempts to determine the immigration status of a detained person should not prolong the detention beyond the time it takes to complete the original investigation or other valid enforcement action.

A person is presumed to be lawfully present in the United States if the person provides any of the following (ARS § 11-1051):

- (a) A valid Arizona driver license or a valid Arizona non-operating identification license
- (b) A valid tribal enrollment card or other form of tribal identification
- (c) Any valid federal, state, or local government-issued identification where proof of legal presence in the United States was required before issuance

If appropriate documentation has been presented to the deputy, no obligation exists to pursue further investigation unless additional reasonable inquiry is warranted.

Circumstances may arise that make reasonable attempts to determine the immigration status of a stopped or detained person impracticable (ARS § 11-1051). Examples of these circumstances include but are not limited to time limitations, availability of personnel or other resources, issues of officer safety, and communication capabilities. Deputies do not need a supervisor's approval to forgo such attempts in these circumstances but are expected to make reasonable decisions in good faith and based upon the totality of the circumstances presented at the time. Deputies who determine that no inquiry regarding a detained person's immigration status is warranted should notify a supervisor and document the reason for no inquiry or for an incomplete inquiry in an associated dispatch log, Field Interview card, or report.

416.5 ARRESTS

Any person who is arrested shall have his/her immigration status checked. Unless the arrestee continues to be suspected of some crime for which he/she may be held, custody should not be prolonged for the immigration inquiry. The result of an immigration inquiry should be documented, even if the arrestee has been released (ARS § 11-1051).

Deputies should follow the consular notification procedures set forth in the Vienna Convention on Consular Relations, namely, "when a national of one country is detained by authorities in another, the authorities must notify the consular officers of the detainee's home country if the detainee so requests".

Supervisor notification is required prior to any arrest or vehicle impound related to or based upon a person's immigration status.

Immigration Violations

416.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this office should be directed to a supervisor. The Office may provide available support services, such as traffic control or peacekeeping efforts.

416.7 INFORMATION SHARING

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in office records
- (c) Exchanging such information with any other federal, state, or local government entity
- (d) Members will not limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law (ARS § 11-1051).

416.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

416.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Patrol supervisor assigned to oversee the handling of any related case. The Patrol supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

Immigration Violations

- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

416.9 PROCEDURES FOR IMMIGRATION COMPLAINTS

Reasonable options when a person reports immigration violations include referrals to federal immigration officials and/or the Arizona Attorney General's office if the report relates to employment violations.

416.9 TRAINING

The Training Coordinator should ensure deputies receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.
- (c) Immigration training offered by Arizona POST.

Field Training Officer Program

418.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the CCPD.

It is the policy of this office to assign all new deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

418.2 UTAH DEFINITIONS

Direct Supervision: Deputy Performance that is conducted in the presence of another superior officer who has overall control of the scene, task, or duty. Direct supervision cannot be performed over an electronic device such as a radio, telephone, or after the fact, television system.

Field Training Coordinator: Abbreviated FTC. The FTC is the senior Field Training Officer responsible for the field training and mentoring program within the office. FTC oversees the performance of Field Training Officers, and those they are training and mentoring. The FTC often performs other duties within the office.

Field Training Officer: Abbreviated FTO. FTO's are trained, experienced, and ethical officers who are motivated to mentor less experienced deputies or deputies with an identified performance deficiency. FTOs need not be Certified Law Enforcement Instructors, but must successfully complete an FTO course of instruction.

Probationer Officer: Abbreviated PO. A probationer deputy is either a new recruit brought into the office, or an deputy with time in service within the department that has been identified by the management team as having a training or performance deficiency that is likely to be improved to an acceptable level with additional training and mentoring. It should never be assumed that an individual assigned to PO training and training is less qualified as a law enforcement deputy.

We all have varying degrees of opportunities to improve. For example, an experienced deputy assigned to a specialized unit such as detectives, or special weapons and tactics, may be assigned to undergo field training in that new task.

Mentor: A mentor is an experienced deputy that is assigned to each PO to give guidance during the field training course and probationary period.

418.3 FTO QUALIFICATIONS

In addition to other employment and performance standards of Colorado City Marshal's Office, deputies applying for the position of Field Training Officer *[FTO]* will meet, as a minimum, the following conditions:

- (a) *Demonstrated proficiency with all weapons carried, and patrol vehicle within last twelve [12] months.*

Field Training Officer Program

- (b) *Completion of an approved FTO course/curriculum;*
- (c) *Completed no less than Forty [40] hours of in-service training annually;*
- (d) *Successfully completed field training after the academy and “signed off” by appointed FTO;*
- (e) *Sworn and hired as a peace officer of Colorado City Marshal’s Office*
- (f) *Major interest in improving leadership in the department, and quality of operations;*
- (g) *A recommendation by a supervisor to be considered for a CCMO FTO;*
- (h) *Has shown an exemplary standard of quality performance in all categories of their job and possesses the ability to be a leader and mentor;*
- (i) *Two [2] years of full-time experience as a law enforcement peace officer;*

418.4 DUTIES OF FIELD TRAINING PERSONNEL

To train and mentor the new deputy to perform satisfactorily in the field all required law enforcement functions.

418.5 TRAINEE DEFINED

Trainee - Any entry level or lateral deputy newly appointed to the CCPD who has successfully completed the full-authority peace officer basic training course within one year after commencing employment as a peace officer.

418.6 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program.

The training period for lateral deputies may be modified depending on the trainee’s demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

418.6.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as a deputy with the CCPD. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover policies, procedures, rules and regulations of the CCPD.

418.7 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

Field Training Officer Program

418.7.1 FIELD TRAINING OFFICER

- (a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis. This written evaluation will be maintained in trainee's FTO manual.
- (b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

418.7.2 IMMEDIATE SUPERVISOR

The FTO's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Marshal for review and storage in the FTO manual or file assigned..

418.7.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted through the FTO's immediate supervisor.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Marshal for review and approval.

418.7.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

418.8 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) A Letter or Certificate of Completion, stating that the trainee has successfully completed the required field training program.

Field Training Officer Program

Aircraft Accidents

419.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

419.2 POLICY

It is the policy of the CCPD to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

419.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

419.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

Aircraft Accidents

419.5 NOTIFICATIONS

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

419.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

419.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.

Aircraft Accidents

- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

419.8 DOCUMENTATION

All aircraft accidents occurring within the Town of Colorado City or Hildale shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of CCMO members deployed to assist; other Town resources that were utilized; and cross-reference information to other investigating agencies. Suspected criminal activity should be documented in the appropriate crime report.

419.8.1 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

419.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Obtaining Air Support Assistance

421.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

421.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

421.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Supervisor or a designee will call the closest agency having air support available. The Supervisor will apprise that agency of the specific details of the incident prompting the request.

421.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

- (a) When the aircraft is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.
- (c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.
- (f) Pre-planned events or actions that require air support.
- (g) When the Supervisor or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for deputies on the ground.

Contacts and Temporary Detentions

422.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the a deputy is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving a deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile/Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

Probable Cause - Facts and circumstances known to the deputy that would lead a reasonable deputy to believe that a person has committed or will commit a crime. The belief must be based on factual evidence, not just suspicion.

422.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Contacts and Temporary Detentions

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Colorado City to strengthen community involvement, community awareness, and problem identification.

422.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the deputy.

422.3 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, the deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

Contacts and Temporary Detentions

422.4 DOCUMENTATION

Deputies must document all stops in a detailed incident report. The report must include the following information:

- (a) Date and time of stop
- (b) Location of the stop
- (c) Duration of the stop
- (d) Type of stop, (vehicle, pedestrian, or bicycle)
- (e) Original and subsequent objective facts for the stop or detention
- (f) The basis (reasonable suspicion or probable cause) for the stop
- (g) Whether a frisk or search was conducted and the results of the frisk or search (i.e., weapons/contraband found)
- (h) The disposition of the stop (i.e., arrest, citation) and related arrest, citation, or other report numbers
- (i) Demographic information pertaining to the subject, including perceived race, perceived age, perceived gender; and
- (j) Any complication or delays that contribute to an inability to fill out all information on the form

At the supervisors first opportunity, preferably by the end of each shift, he/she will review the stop incident report completed by their subordinate deputies to determine if the stops were supported by reasonable suspicion and consistent with the CCMO policy, federal, and state law.

If a supervisor concludes that a stop is inconsistent with CCMO policy, the supervisor shall address the concern with the deputy involved and take action as may be appropriate.

If a supervisor finds the documentation to be insufficient, that supervisor shall require that the deputy supplement the documentation before the end of the deputies shift that the review occurred on.

422.5 POLICY

The Colorado City Marshal's office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

422.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputy should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

Contacts and Temporary Detentions

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by office members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Intelligence Systems

423.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the CCPD appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

423.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

423.2 POLICY

The CCPD recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

423.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a criminal intelligence system unless the Marshal has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The Marshal or his designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

423.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the

Criminal Intelligence Systems

established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the Marshal.

423.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

423.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Evidence Room, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Dispatch Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

423.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

Criminal Intelligence Systems

423.5 INFORMATION RECOGNITION

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Training Coordinator to train members to identify information that may be particularly relevant for inclusion.

423.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

423.7 CRIMINAL STREET GANGS

The Patrol supervisor should ensure that there are an appropriate number of office members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity Utah Code 76-9-802 et seq. and Utah Code 76-9-902 et seq.
- (b) Coordinate and participate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

Criminal Intelligence Systems

423.8 TRAINING

The Training Coordinator should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Sergeants

424.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Office policies, procedures, practices, functions and objectives. To accomplish this goal, a Supervisor heads each watch.

424.2 DESIGNATION AS ACTING SUPERVISOR

When a Supervisor is unavailable for duty as Supervisor, in most instances the senior qualified deputy shall be designated as acting Supervisor. This policy does not preclude designating a less senior deputy as an acting Supervisor when operational needs require or training permits.

Mobile Audio Video

426.1 PURPOSE AND SCOPE

The CCPD has equipped marked patrol cars with Mobile Video Recording (MAV) systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

426.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

426.2 POLICY

It is the policy of the CCPD to use mobile audio and video technology to more effectively fulfill the office's mission and to ensure these systems are used securely and efficiently.

426.3 DEPUTY RESPONSIBILITIES

Prior to going into service, each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Office any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment.

At the start of each shift, deputies should test the MAV system's operation in accordance with manufacturer specifications and office operating procedures and training.

System documentation is accomplished by the deputy recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift (if the MAV is assigned to a specific deputy this personalized documentation is not necessary). This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

Mobile Audio Video

426.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on when the vehicle is started, whenever the unit's emergency lights are activated, whenever the record button is activated, or whenever a paired BWC unit is activated. The system remains on until the vehicle is turned off (there is a short time out period after the vehicle is turned off before the system shuts down), or the deputy manually turns the system off. The audio portion turns on whenever an event is recorded. When audio is being recorded, the video will also record.

426.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. DWI/DUI investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
 - 13. In custody transports
- (b) All self-initiated activity in which a deputy would normally notify the Dispatch Center
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Family violence calls
 - 2. Disturbance of peace calls

Mobile Audio Video

3. Offenses involving violence or weapon
 - (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
 - (e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate

426.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

426.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this office may surreptitiously record a conversation of any other member of this office except with a court order or when lawfully authorized by the Marshal for the purpose of conducting a criminal or administrative investigation.

426.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Dispatch Center.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 1. The tracking number of the MAV system media.
 2. The date it was issued.
 3. The law enforcement operator or the vehicle to which it was issued.
 4. The date it was submitted.
 5. Law enforcement operators submitting the media.
 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, office-involved collisions), a supervisor shall

Mobile Audio Video

respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

426.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Office. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the office MAV technician or forensic media staff. A copy of the original media shall be used for viewing to preserve the original media. The original is stored on the system server.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing initial reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to assess deputy performance
- (d) To assess proper functioning of MAV systems
- (e) By office investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By office personnel who request to review recordings unless they are the subject of an open/current complaint or internal affairs investigation.
- (g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Marshal or the authorized designee
- (i) By the media through proper process or with permission of the Marshal or authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the deputy's objection.
- (l) **For any other access specifics refer to policy 424.15.1 thru 424.15.7 (BWC) as CCMO uses the same manufacturer for both systems BWC and MAV.**

Employees desiring to view any **previously uploaded or archived** MAV recording should submit a request in writing to the Supervisor. Approved requests should be forwarded to the MAV technician for processing.

Mobile Audio Video

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

426.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation electronically or on the records copy of the citation indicating that the incident was recorded.

426.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule. If space allows on the storage system a longer retention period of 360 days is recommended for CCMO's recordings.

426.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

426.7.2 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the CCPD should indicate this in the written report and mark the recording in the data storage system. Deputies should ensure relevant recordings are preserved indefinitely.

426.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) The system currently being used by CCMO allows for multiple BWC to be on and recording in the same area/event without interference.
- (e) Deputies using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, un-authorized electronic devices should not be used inside MAV equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

Mobile Audio Video

- (g) Deputies shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

426.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected the MAV technician:
 - 1. Ensures it is stored in a secured location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field.
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the office evidence storage protocols and the records retention schedule.

426.10 UPLOADING PROCEDURE FOR MAV RECORDINGS

At the end of each shift deputies shall upload the digital evidence from their MAV or other recording device to the office digital evidence storage system.

426.11 TRAINING

All members who are authorized to use the MAV system shall attend department approved training on the operation of the system prior to its use. All supervisors of MAV officers and other personnel who may access or otherwise be involved with MAV must also attend this training. All training related to MAV will be coordinated, developed, and conducted by the Marshal or his designee.

Mobile Data Terminal Use

427.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between office members and the Dispatch Center.

427.2 POLICY

CCPD members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

427.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

427.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their Supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Office. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

427.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Mobile Data Terminal Use

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

427.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Supervisor or other office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the deputy radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

427.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the deputy radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

427.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members shall ensure a Supervisor is notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the deputy radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

427.6 EQUIPMENT CONSIDERATIONS

427.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the Dispatch Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the deputy radio.

Mobile Data Terminal Use

427.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Portable Audio/Video Recorders

428.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of all portable/audio video recording devices by deputies of this office while in the performance of their duties. All portable audio/video recording devices, including body worn cameras must be approved by the Marshal. Deputies of this office are required to know, understand and be familiar with laws for both Arizona and Utah, as this office provides public safety services for both states.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any CCPD facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

Additional guidance regarding the use of body-worn cameras during the execution of a warrant is found in the Warrant Service Policy.

428.2 DEFINITIONS

Body Worn Camera (BWC) – A camera worn on an individual officer's person that records and stores audio and video.

BWC Technician – A person designated by the Marshal to administer the digital evidence storage and camera system for the CCMO.

Digital Evidence – BWC files, including photographs, audio recordings and video footage or other evidence, captured by any authorized device and stored digitally.

Docking Station – A portable multi-ported docking station placed at the office and inside officer vehicles that simultaneously recharges the BWC while uploading all digitally encrypted data from the device to the digital evidence storage.

Metadata – General Offense numbers, and other descriptors used to identify digital evidence. Identifying and classifying recorded information.

Community Contact – Contact with a citizen outside of official law enforcement activity or a call for service. For example, a conversation with a citizen while having a meal.

Consensual Contact – Contact with an individual specifically for law enforcement purposes, but there is no reasonable suspicion and/or probable cause to detain or arrest the individual.

Critical Incident – An incident in which a deputy observes and/or is involved in potentially life threatening circumstances or when serious physical injury occurs.

428.3 POLICY

The CCPD shall provide members with access to BWC for use during the performance of their duties. Deputies shall utilize the approved BWC in accordance with this policy. The purpose of

Portable Audio/Video Recorders

the BWC is intended to increase transparency and accountability and enhance the mission of the Office by accurately capturing contacts between deputies and the public, in addition to:

- (a) Documenting evidence for criminal investigations and prosecutions, internal or administrative investigations, and civil litigation
- (b) Assisting in resolving complaints against deputies, including false allegations by members of the public
- (c) Enhancing public trust and office training, while promoting transparency and accountability

428.4 MEMBER PRIVACY EXPECTATIONS

All recordings made by deputies on any office-issued device at anytime, and any recording made while acting in an official capacity shall remain the property of the office, regardless of ownership of the device it was made on. Deputies shall have no expectation of privacy or ownership interest in the content of these recordings.

428.5 GENERAL CONSIDERATIONS

- (a) Video footage obtained from the BWC may not depict everything in a deputy's field of vision at the time of an incident. Additionally, everything depicted on video footage may not have been seen by the deputy at the time of the incident.
- (b) Only authorized personnel shall use or be in possession of a BWC device.
- (c) All digital evidence collected using the BWC is considered a record of the CCMO and is for official use only.
- (d) Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal unapproved device to record or capture digital evidence from a BWC device and/or digital evidence storage is strictly prohibited.
- (e) Deputies should continue to prepare reports in the same manner as prior to the implementation of this camera system and should not substitute "refer to video" for a detailed and thorough report. All written reports where the incident was recorded shall have stated in them that the recording device was on and a recording saved
- (f) Any time an employee stops a recording or fails to start a recording when one is required by policy, it will be documented in the case report articulating the specific circumstances.

428.6 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed deputy will be responsible for making sure that he/she is equipped with a BWC issued by the Office, and that the recorder is in good working order. If the recorder is not in working order or the deputy becomes aware of a malfunction at any time, the deputy shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed deputies should wear the recorder in

Portable Audio/Video Recorders

a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned deputy shall record their name, CCMO identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Deputies shall document the existence of a recording in any report or other official record, including any instance where the recorder malfunctioned or the deputy deactivated the recording, and shall include the reason for deactivation.

428.7 ACTIVATION OF THE PORTABLE RECORDER

Deputies shall activate their recorder in the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI)
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Dispatch Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Vehicle pursuits
- (f) Foot pursuits
- (g) Prisoner transports
- (h) Arrests
- (i) Searches
- (j) Any use of force
- (k) Dispatched calls for service
- (l) Execution of a warrant
- (m) Any other legitimate law enforcement contact where the deputy believes it would be appropriate to record an incident

Deputies should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording.

Portable Audio/Video Recorders

Deputies should deactivate the BWC when entering locker rooms, restrooms, or any other place where there is a reasonable expectation of privacy unless a criminal offense has occurred in that location. When interviewing sexual assault victims, deputies should notify victims that they are recording the encounter. If the victim requests that the deputy deactivate the camera, the deputy should record the request to deactivate on the BWC and do so after receiving authorization from his supervisor.

Requests by members of the public to stop recording should be granted if it reasonably appears that the member's privacy interest outweighs any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer at issue.

At no time is a deputy expected to jeopardize his/her safety in order to activate a BWC or portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable. If the BWC is not activated during an incident, the deputy will notify a supervisor as soon as possible.

428.7.1 CESSATION OF RECORDING

Once activated the portable recorder should remain on continuously until the deputy reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

428.7.2 UPLOADING PROCEDURE

At the end of each shift rotation the deputies shall upload the digital evidence from their BWC or other recording device to the office digital evidence storage system.

428.7.3 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Arizona and Utah law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (ARS § 13-3012; Utah Code 77-23a-4).

Deputies may surreptitiously record any conversation during the course of a criminal investigation in which the deputy reasonably believes that such a recording will be lawful and beneficial to the investigation.

Deputies shall not surreptitiously record another office member without a court order unless lawfully authorized by the Marshal.

428.7.4 JUVENILE RECORDINGS

It is recognized that video images of juvenile offenders will at times be recorded by the BWC when responding to calls for service or during the course of an investigation. Because of this, deputies shall protect video recordings of juveniles the same as still photographs of juveniles. If a deputy has a need to use BWC recorded images of juvenile offenders as part of an investigation, the deputy shall strictly adhere to the same laws of photographing/fingerprinting juveniles. Juvenile victims or witnesses to a crime will only be recorded with the permission of a parent or legal guardian present at the time of the recording. This permission must be documented on the recording. If

Portable Audio/Video Recorders

consent is not given to being recorded the deputy may consider the option to divert the camera away from the subject and record only audio.

428.7.5 BLANK PLACE HOLDER

428.8 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

428.9 COMMUNITY POLICING ACTIVITIES

If there is probable cause to believe that unlawful activity is occurring or about to occur, the Marshal may require that the event or contact be recorded.

428.10 PROHIBITED USE OF PORTABLE RECORDERS

Deputies are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity. **Deputies may not alter or delete a recording captured on a portable recorder.**

Deputies are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with office issued or personally owned recorders. Deputies shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained in the office digital evidence storage system.

Deputies are prohibited from using personally owned recording devices while on-duty without the express consent of the Marshal. If, in an emergency situation, a deputy must use a personally owned recorder for office related activities, the deputy shall comply with the provisions of this policy, including retention and release requirements, and notify the on-duty supervisor of such use as soon as reasonably practical.

Recordings shall not be used by any deputy for the purpose of embarrassment, harassment or ridicule of any kind.

Any deputy who may have questions regarding the application of this policy is encouraged to seek clarification from the Marshal.

Portable Audio/Video Recorders

428.11 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings deputies should upload, tag or mark recordings and document the existence of the recording in any related case report.

A deputy should tag or mark recordings when they reasonably believe:

- (a) The recording contains evidence relative to a criminal, civil or administrative matter
- (b) A complainant, victim or witness has requested non-disclosure
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person
- (d) Disclosure may be an unreasonable violation of someones privacy
- (e) Medical or mental health information is contained
- (f) Disclosure may compromise an undercover deputy or confidential informant
- (g) Recorded content contains sounds or images from a residence (Utah Code 63G-2-302)
- (h) Recorded content contains sound or images from a hospital, health care facility, humane service program or the clinic of a health care provider (Utah Code 63G-2-305)

Any time a deputy reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the deputy should promptly notify a supervisor of the existence of the recording, and mark and tag it as such.

After a critical incident the Marshal may require the deputy to turn in his BWC or other recording device, to ensure the evidence is preserved and uploaded in a timely manner.

428.12 SUPERVISORY REVIEW OF RECORDINGS

- (a) Supervisor will ensure that deputies utilize the BWC system according to policy guidelines
- (b) Supervisor shall ensure that digital evidence is uploaded to the digital evidence storage system at the end of each shift
- (c) Each month, supervisors will conduct random audits of BWC recordings created by deputies under their command. The purpose of the audit is to confirm compliance with the CCMO policy, ensure proper functionality of the recorder, and assist with training aids for the individual deputies
- (d) Each supervisor will keep a log of the random audits performed

It shall be deemed a violation of this policy for a supervisor to review recordings for the purpose of searching for violations of the office policy or law not related to a specific complaint or incident.

Portable Audio/Video Recorders

428.13 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of CCMO's records retention schedule and as required by any applicable federal, state and local law (Utah Code 77-7a-107). Specifically, however:

- (a) All recording related to any criminal proceeding, claim filed, pending litigation, or a personnel complaint, shall be preserved until that matter and any possible appeal is resolved and/or in accordance with the law
- (b) Recordings of no evidentiary, administrative or training value will be purged after 180 days
- (c) Recordings of evidentiary value will be retained in conjunction with other evidence related to the same case(s)

428.14 BWC TECHNICIAN

The BWC technician is designated by the Marshal and has oversight responsibilities to include the following:

- (a) Ability to complete minor repairs to the BWC and related equipment
- (b) Arrange for the warranty, maintenance and repairs of the BWC system
- (c) Maintain system records
- (d) Update software and system settings as necessary
- (e) Train deputies on current policy and proper use of the BWC units, to include the uploading of data and tagging of events
- (f) Coordination with IT regarding system related issues
- (g) Ensure BWC system files of evidentiary value are secure and retained per policy
- (h) Ensure BWC system files are reviewed and released in accordance with federal, state, local statutes and CCMO policies

428.15 ACCESS TO BWC RECORDINGS

The individuals and groups designated below will have access to BWC recordings as follows:

428.15.1 OFFICER ACCESS

- (a) To review and stream recordings (using CCMO-approved web applications) with prior supervisor approval.
- (b) To refresh their memory while writing a report.
- (c) To refresh their recollection prior to court. Deputies will ensure that the prosecuting attorney is aware the BWC recording was reviewed.
- (d) To provide a statement pursuant to an internal investigation. NOTE: When preparing written reports relating to their involvement in a shooting or death, deputies may, at the discretion of the Marshal, review their recordings as a resource (see the

Portable Audio/Video Recorders

involved Shootings and Deaths Policy for guidance in those cases). Following an officer involved shooting or other critical incident, involved personnel shall not view their BWC recording on any device or computer prior to the BWC being uploaded into the digital evidence system.

428.15.2 SUPERVISOR ACCESS

All supervisors will not have direct access to all officers' BWC recording through the management system. A direct supervisor designated by the Marshal will have direct access to their assigned officer's recordings and may view recordings as per this policy and in the following instances:

- (a) Supervisory investigation following the application of reportable force (except use of deadly force). A Supervisor may access the video at a computer station in the office
- (b) Supervisors will handle receipts of complaints in accordance with CCMO Policy 1009, Personnel Complaints. Supervisors will first interview the complainant before reviewing any available BWC recording of the alleged violation. Review of the recording will not happen in the presence of the complainant, unless approved by the Marshal and/or the city attorney. The supervisor will record in the narrative of the Personnel Complaint that the BWC recording is available and, was reviewed during the complaint process
- (c) During the course of an internal investigation, the recording will be sent from digital storage to the investigator assigned the Internal Affairs investigation. The digital recording will become an attachment to the investigative packet
- (d) To appropriately address performance issues or reviews. In such cases the supervisor will discuss the issue with the Marshal and, if appropriate, grant access to retrieve the recording from the office storage system

If a member makes a supervisor aware that a recording may lead to a citizen complaint, the supervisor should review the recording and conduct any further investigation that he or she deems appropriate.

428.15.3 INVESTIGATIVE PERSONNEL ACCESS

Internal Affairs investigators will not access and search BWC recordings for offenses committed by deputies unless pursuant to an official complaint. Personnel assigned to criminal investigative duties may view BWC recordings as part of their review or investigation of the incident.

428.15.4 LEGAL ACCESS

Legal department personnel, to include the city attorney and county attorney may view BWC recordings as part of their review or investigation of an incident. Others approved by the city attorney or county attorney, related to an investigation may also view the recordings.

428.15.5 ADMINISTRATIVE ACCESS

The BWC Technicians and Marshal may view BWC recordings in the pursuit of their official duties and responsibilities to include, but not limited to the following:

- (a) Redacting of recordings pursuant to an authorized records request
- (b) Training

Portable Audio/Video Recorders

- (c) Police pursuit
- (d) Allegations of officer misconduct
- (e) Accidental recording requested by the officer to be marked and tagged as such
- (f) Any other situation or incident that the Marshal deems necessary

Accidental recordings shall be verified accidental by the Marshal before marking and tagging them as such.

428.15.6 PUBLIC ACCESS

Arizona and Utah law allows for the public to request inspection and/or copies of public records. Whether a BWC recording is a public record will depend on several factors. Additionally, the character of a recording may change from non-public to public. As a general guidance for release of BWC recordings please note the following: Recordings will be released to the public based on both states laws pertaining to such releases, the CCMO's Records Maintenance and Release Policy 804, and the public access guidelines for each state.(Public Access general guidance is pursuant to Utah Title 63G-2, and Arizona Title 39-1). The records manager should review all requests prior to public release.City attorneys and county attorneys may also be consulted, at the request of the Marshal prior to release to the public.

428.15.7 ACCESS FOR TRAINING PURPOSES

Deputies and supervisors may find it useful, and are encouraged, to review recordings of incidents of which they were involved when beneficial for future responses and tactics. When this is the purpose for access, the office member will request it directly with the Marshal in writing. If the request is granted by the Marshal it will become part of the official record by marking, tagging and noting its use for training in the Digital Evidence Storage System. The Marshal may consult with the city attorney when a recording is requested for training purposes, before it is used in the training environment.

If an involved deputy objects to showing recordings, his/her objection will be submitted to the Marshal to determine if the training value outweighs the deputy's objection.

The release of any BWC recordings to media outlets will be in strict compliance with this Policy and Media Relations Policy 323.

428.16 TRAINING

The BWC will be worn and used by deputies who have attended office approved training on the operation of the system and this policy. All supervisors of deputies and other personnel who may access or otherwise be involved with BWC's must also attend this training. All training related to BWC's will be coordinated, developed, and conducted by the Marshal or his designee.

Portable Audio/Video Recorders

428.17 DISCIPLINE

Officers will be subject to the disciplinary process for the intentional, repeated, or otherwise unjustified failure to activate their BWC in violation of CCMO policy.

Public Recording of Law Enforcement Activity

429.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

429.2 POLICY

The CCPD recognizes and respects the First Amendment right of persons to observe, photograph, or record members of this office who are performing their official duties. Onlookers or bystanders may witness, observe, photograph, or record deputy conduct, including stops, detentions, searches, arrests, or uses of force. Deputies shall be cognizant that the exercise of these rights serve an important public purpose.

Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully. The seizure and/or destruction of any recording or equipment without a warrant or due process may violate the individual's Fourth and Fourteenth Amendment rights.

Deputies are cautioned about resorting to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct when someone is exercising the right to record members performing their official duties. It is unlawful to arrest someone as a form of retaliation against them for recording members performing their official duties. It is also unlawful to arrest someone solely to prevent them from continuing to record members performing their official duties.

429.3 DEFINITION

Recording - Capturing of images, audio, or video by means of a camera, cell phone, audio recorder, or other device.

429.4 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 1. Tampering with a witness or suspect.
 2. Inciting others to violate the law.
 3. Being so close to the activity as to present a clear safety hazard to the deputies.

Public Recording of Law Enforcement Activity

4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

Under Utah law, recording the actions of an officer does not by itself constitute a crime of interference, willful resistance, disorderly conduct or obstruction of justice (Utah Code 76-8-305)

As long as the recording takes place in a setting where the individual has a legal right to be present and does not interfere with law enforcement activity or present an undue safety risk, deputies shall not inform or instruct people that photographing or recording police activity is not allowed, requires a permit, or requires the member's consent. Additionally, deputies shall not:

- (a) Order that person to cease activity;
- (b) Demand that persons identification;
- (c) Demand the person state a reason why he or she is taking photographs or recording;
- (d) Detain that person;
- (e) Intentionally block or obstruct camera or recording devices; or
- (f) In any way threaten, intimidate, or otherwise discourage an individual from photographing or recording a deputy's enforcement activities.

429.5 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone's recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy should advise the person to move to an area close by that will not interfere with the deputy's duties or present an undue risk.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

429.6 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

Public Recording of Law Enforcement Activity

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Office members, such as how and where to file a complaint.

429.7 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - (a) Absent exigency or consent, a warrant must be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person; or
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a office-owned device.

429.8 SEIZING RECORDINGS PURSUANT TO EXIGENT CIRCUMSTANCES

If the person declines to consent, and the deputy believes that exigent circumstances exist due to the evidence of criminal activity being lost absent a seizure of the device, the deputy shall inform the supervisor at the scene, or request a supervisor if one has not been called.

The deputy shall inform the supervisor of the evidence of criminal acts believed to be contained on the device and the basis for the exigency. The supervisor, in consultation with the Marshal, shall determine whether exigent circumstances permit the seizure of the device without a warrant or consent. Warrantless seizure is only permissible when:

Public Recording of Law Enforcement Activity

- (a) There is probable cause to believe that the property holds evidence of a crime; and
- (b) The exigencies of the circumstances demand it or some other recognized exception to the warrant requirement is present.

If the supervisor finds that exigent circumstances permit the seizure of the device without a warrant, approval shall be given to the member of the seizure.

Unless consent is present, or a warrant to search the device has been obtained, a deputy shall not search the device or attempt to view the recording.

Recording devices and media that are seized will be submitted within the guidelines of the Evidence Room Policy.

429.9 MEMBER OF THE MEDIA

Members of the press enjoy the same rights in any area accessible to the general public or where they have the legal right to be present. No individual is required to have or display "press credentials" in order to exercise the right to observe or record the performance of law enforcement duties taking place in an area accessible to, or within view of, the general public or where the individual has the legal right to be present. The provisions of this policy apply equally to press members, and shall be followed in its entirety with respect to those members.

Medical Marijuana

430.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for investigating the acquisition, possession, cultivation, manufacture, use, administration, delivery, transfer, or transportation of marijuana under Arizona's medical marijuana laws (ARS § 36-2801 et seq.).

This policy is meant to provide guidance regarding the application of office resources related to medical marijuana laws.

430.1.1 DEFINITIONS

Definitions related to this policy include:

Allowable amount of marijuana (ARS § 36-2801):

- (a) 2 1/2 ounces of usable marijuana; and
- (b) If the registry identification card is endorsed for marijuana cultivation, 12 marijuana plants contained in an enclosed, locked facility.

Cardholder - A qualifying patient, a designated caregiver, a nonprofit medical marijuana dispensary agent, or an independent third-party laboratory agent who has been issued and possesses a valid registry identification card (ARS § 36-2801).

Designated caregiver - A person who is at least 21 years of age, has agreed to assist with a patient's medical use of marijuana, has not been convicted of an excluded felony offense, and assists no more than five qualifying patients (ARS § 36-2801).

DHS - Department of Health Services.

DHS verification system - A secure, password-protected, web-based system established and maintained by DHS. It is available to law enforcement personnel and nonprofit medical marijuana dispensary agents on a 24-hour basis for verifying registry identification cards (ARS § 36-2801).

Enclosed, locked facility - A closet, room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by a cardholder (ARS § 36-2801).

Medical use of marijuana - The acquisition, possession, cultivation, manufacture, use, administration, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition (ARS § 36-2801).

Qualifying patient - A person who has been diagnosed by a physician as having a debilitating medical condition, whether or not the person has registered with the DHS. (ARS § 36-2801).

Registry identification card - A document issued by DHS that identifies a person as a registered qualifying patient, a registered designated caregiver, a registered nonprofit medical marijuana dispensary agent, or a registered independent third-party laboratory agent (ARS § 36-2801).

Medical Marijuana

Usable marijuana - The dried flowers of the marijuana plant and any mixture or preparation thereof. It does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink (ARS § 36-2801).

Visiting qualifying patient - A person who is not a resident of Arizona or who has been a resident of Arizona less than 30 days, and who has been diagnosed with a debilitating medical condition by a person who is licensed with authority to prescribe drugs to humans in the state of the person's residence or, in the case of a person who has been a resident of Arizona less than 30 days, the state of the person's former residence (ARS § 36-2801).

430.2 POLICY

It is the policy of the CCPD to prioritize resources to avoid making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Arizona medical marijuana laws are intended to protect patients with debilitating medical conditions, as well as their physicians and providers, from arrest, prosecution, and property forfeiture if such patients engage in the use of marijuana for medical purposes. However, Arizona medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The CCPD will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Arizona law and the resources of the Office.

430.3 INVESTIGATION

Investigations involving the possession, delivery or production of marijuana generally fall into one of two categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.

430.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with a criminal investigation. A medicinal claim may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

430.3.2 INVESTIGATIONS INVOLVING A CARDHOLDER

There is a presumption that a cardholder is engaged in the medical use of marijuana if he/she possesses an allowable amount of marijuana. When this presumption is met, no arrest should be made for the acquisition, possession, cultivation, manufacture, use, administration, delivery, transfer or transportation of marijuana. However, enforcement action may be taken when there is probable cause to believe the marijuana is not for the purpose of treating or alleviating the

Medical Marijuana

qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

Deputies should not arrest a person for providing a registered qualifying patient, a registered designated caregiver or a registered nonprofit medical marijuana dispensary with marijuana paraphernalia for purposes of a qualifying patient's medical use of marijuana. Nor should a person be arrested merely for being in the presence or vicinity of the medical use of marijuana.

Medical use and possession of marijuana authorized under the Arizona medical marijuana statutes does not support the forfeiture of property as set forth in the Asset Forfeiture Policy.

Mere possession of, or application for, a registry identification card may not constitute probable cause or reasonable suspicion, nor may it be used to support the search of the person or property of the person possessing or applying for the registry identification card. However, the possession of, or application for, a registry identification card does not preclude the existence of probable cause if probable cause exists on other grounds.

430.3.3 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana:

- (a) The allowable amount of marijuana does not include marijuana that is incidental to medical use but is not usable (ARS § 36-2801).
- (b) There is no presumption of neglect or child endangerment for conduct permitted by Arizona's medical marijuana laws unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence (ARS § 36-2813).
- (c) A registered qualifying patient may not directly, or through his/her designated caregiver, obtain more than 2 1/2 ounces of marijuana from registered nonprofit medical marijuana dispensaries in any 14-day period (ARS § 36-2816).
- (d) The equivalent of a registry identification card issued under the laws of another state that allows a visiting qualifying patient to possess or use marijuana for medical purposes in that state has the same force and effect when held by a visiting qualifying patient as a registry identification card issued by DHS. A visiting qualifying patient is not authorized to obtain marijuana from a nonprofit medical marijuana dispensary (ARS § 36-2804.03)
- (e) Marijuana plants are not required to be in an enclosed, locked facility if the plants are being transported because the qualifying patient or designated caregiver is moving (ARS § 36-2801).
- (f) Arizona's medical marijuana laws do not require any person or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana on or in that property (ARS § 36-2814).
- (g) A registered nonprofit medical marijuana dispensary or its agents are not subject to prosecution, search, or inspection except by DHS pursuant to ARS § 36-2806 (ARS § 36-2811(E)).

Medical Marijuana

- (h) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
1. The suspect has been identified and can be easily located at another time.
 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

430.4 DHS VERIFICATION SYSTEM

DHS has developed a web-based verification system for use on a 24-hour basis. The verification system allows law enforcement personnel to enter a registry identification number and verify whether the number corresponds with a current, valid identification card.

Deputies may use the verification system in conjunction with legitimate investigations only. Deputies shall not disclose any information obtained from the verification system to the public or any person without a legitimate law enforcement purpose (ARS § 36-2807).

430.4.1 EXCEPTIONS

This policy does not apply to the following offenses. Deputies may take enforcement action if the person is (ARS § 36-2802):

- (a) Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice.
- (b) Possessing or engaging in the medical use of marijuana on a school bus, on the grounds of any school (preschool, primary, secondary) or child care facility, or in any correctional facility (ARS § 36-2802; ARS § 36-894; ARS § 15-108(B)).
- (c) Smoking marijuana on any form of public transportation or in any public place.
- (d) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana. A registered qualifying patient shall not be considered to be under the influence of marijuana solely if the concentration of metabolites or marijuana components is not enough to cause impairment.
- (e) Using marijuana except as authorized under Arizona's medical marijuana laws.

430.5 FEDERAL LAW ENFORCEMENT

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

Medical Marijuana

430.6 PROPERTY SUPERVISOR RESPONSIBILITIES

The Evidence Room Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed. The Evidence Room supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forego prosecution, or upon the dismissal of charges or an acquittal, Evidence Room Supervisor shall, as soon as practicable, return to the person from whom it was seized, any useable marijuana, plants, drug paraphernalia or other seized property.

The Evidence Room Supervisor may destroy marijuana that was alleged to be for medical purposes upon receipt of a court order.

The Evidence Room Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Marshal.

Homeless Persons

432.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The CCPD recognizes that members of the homeless community are often in need of special protection and services. The CCPD will address these needs in balance with the overall mission of this office. Therefore, deputies will consider the following policy when serving the homeless community.

432.1.1 POLICY

It is the policy of the CCPD to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this office will not use homelessness solely as a basis for detention or law enforcement action.

432.2 HOMELESS COMMUNITY LIAISON

The Marshal will designate a member of this office to act as the homeless liaison deputy. The responsibilities of the homeless liaison deputy include the following:

- (a) Maintain and make available to all Office employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property Procedures Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this office involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

Homeless Persons

432.3 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

432.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

432.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the

Homeless Persons

deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the Office homeless liaison deputy. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the homeless liaison deputy.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Office homeless liaison deputy if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the homeless liaison deputy to address the matter in a timely fashion.

432.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

432.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

First Amendment Assemblies

435.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

435.2 POLICY

The CCPD respects the rights of people to peaceably assemble. It is the policy of this office not to interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

435.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

First Amendment Assemblies

435.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

435.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- (a) Location
- (b) Number of participants
- (c) Apparent purpose of the event
- (d) Leadership (whether it is apparent and/or whether it is effective)
- (e) Any initial indicators of unlawful or disruptive activity
- (f) Indicators that lawful use of public facilities, streets or walkways will be impacted
- (g) Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

435.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

435.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.

First Amendment Assemblies

- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the Chief and any other appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

435.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with Town government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

First Amendment Assemblies

- (t) Parameters for the use of body-worn cameras and other portable recording devices.

435.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

435.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

Only the Marshal or his designee, may declare an assembly unlawful. In order to declare an assembly unlawful, the Marshal or his designee, must find that the activities of those engaged in First Amendment protected activity present an immediate and substantial threat to public safety. The Marshal or his designee, shall thoroughly document all facts that lead to the conclusion that the assembly is unlawful, and shall secure all evidence of the nature and substance of the assembly including witness statements and BWC footage.

Upon declaring an assembly unlawful, the Marshal or his designee, shall advise those assembled that:

- (a) The assembly has been declared unlawful by order of the Marshal or his Designee; and;
- (b) Those assembled must take specific action, such as moving away from a specific area, dispersing, or ceasing unlawful activity; and
- (c) Inform those assembled of the consequences for failing to comply with the order of the Marshal or his designee.

Upon declaring an assembly unlawful and upon advising those assembled as stated above, the Marshal or his designee, shall allow sufficient time for individuals to comply with the order.

All announcements shall be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

435.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Marshal or his designee shall evaluate the type of resistance

First Amendment Assemblies

and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices shall not be used unless one or more individuals threaten harm to deputies, themselves or others.

Force or control devices, including oleoresin capsaicin (OC), shall be directed toward individuals and not toward groups or crowds.

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

435.8 ARRESTS

The CCPD should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisement should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have failed. Mass arrests shall only be undertaken upon the order of the Marshal or his designee. There must be probable cause particular to each person arrested.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing personnel.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

435.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

435.10 DEMOBILIZATION

When appropriate, the Marshal or his designee or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

First Amendment Assemblies

435.11 POST EVENT

The Marshal shall designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Dispatch Center records/tapes
- (g) Media accounts (print and broadcast media)

435.11.1 AFTER-ACTION REPORTING

The Marshal shall ensure that a comprehensive after-action report of the event is prepared explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

435.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with surrounding agencies and mutual aid partners.

Civil Disputes

436.1 PURPOSE AND SCOPE

This policy provides members of the CCPD with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Arizona and or Utah law.

436.2 POLICY

The CCPD recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, deputies of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, deputies will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

436.3 GENERAL CONSIDERATIONS

When appropriate, deputies handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Deputies must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, deputies should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and deputies should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Deputies should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Deputies shall not provide legal advice, however, when appropriate, deputies should inform the parties when they are at risk of violating criminal laws.
- (d) Deputies are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Deputies should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Civil Disputes

436.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor and the city or county attorney prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

436.4.1 STANDBY REQUESTS

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The deputy may advise the person to seek private legal advice as to the distribution of disputed property.

Deputies should accompany the person to the location of the property. Deputies should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the deputy will not allow entry into the location or the removal of property from the location.

436.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

Civil Disputes

436.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

436.6.1 LANDLORD/TENANT ISSUES

For disputes regarding access to a dwelling by a tenant who is accused of domestic violence, deputies should be aware that a landlord may refuse to provide a tenant with access to a dwelling to reclaim property if the tenant is the person named in an order of protection unless a law enforcement officer escorts the tenant into and out of the dwelling (ARS § 33-1318).

Suspicious Activity Reporting

437.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

437.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

437.2 POLICY

The CCPD recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections. The Marshal or his designee will ensure safeguarding civil liberties and privacy protections of all, are included in the deputies annual required training.

437.3 RESPONSIBILITIES

The Marshal or his designee will manage SAR activities.

The responsibilities of the Marshal or his designee include, but are not limited to:

- (a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

Suspicious Activity Reporting

- (b) Review and approve each SAR report.
- (c) Schedule annually, adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (d) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (e) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Office.
- (f) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (g) Coordinating investigative follow-up, if appropriate.
- (h) Coordinating with any appropriate agency or fusion center.
- (i) Ensuring that, as resources are available, the Office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

437.4 REPORTING AND INVESTIGATION

Any office member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

437.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- (a) Patrol supervisor
- (b) Utah State Intelligence Analyst Center (SIAC)
- (c) Arizona Counter Terrorism Information Center (ACTIC)
- (d) The Marshal

Medical Aid and Response

438.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

438.2 POLICY

It is the policy of the CCPD that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

438.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Dispatch Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Medical Aid and Response

438.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

438.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

438.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

438.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

Medical Aid and Response

The Patrol Supervisor should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Office should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One office member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

438.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An AED should only be used by members who have completed a state-approved course in CPR and the use of an AED (ARS § 36-2261(5)).

438.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in office vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Coordinator who is responsible for ensuring appropriate maintenance.

Any member who uses an AED shall contact the Dispatch Center as soon as possible and request response by EMS (ARS § 36-2262).

Medical Aid and Response

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

438.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

The Records Section shall ensure that a written report is provided to the Bureau of Emergency Medical Services and Trauma System within five days after use (ARS § 36-2262).

438.8.3 AED TRAINING AND MAINTENANCE

The Training Coordinator should ensure appropriate training is provided to members authorized to use an AED.

The Training Coordinator is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (ARS § 36-2262).

438.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication in accordance with protocol specified by the health care provider, physician or nurse practitioner who prescribed the overdose medication for use by the member (ARS § 36-2228) (Utah Code 26-55-104).

438.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Coordinator.

Any member who provides an opioid antagonist shall contact the Dispatch Center as soon as possible and request response by EMS.

438.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Coordinator will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements (AAC § R9-4-602).

438.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Coordinator should ensure Arizona and Utah approved training is provided to members authorized to administer opioid overdose medication (ARS § 36-2228).

438.9.4 OPIOID OVERDOSE REPORTING

When a member makes contact with a person where opioid overdose is suspected, and an opioid overdose medication is not administered, the member shall obtain information for reporting to the

Medical Aid and Response

Arizona Department of Health Services (DHS). The Training Coordinator will ensure the Records Manager is provided the information for the state reporting requirements (AAC § R9-4-602).

438.10 ADMINISTRATION OF EPINEPHRINE

The CCMO deputies do not currently carry Epinephrine as a resource.

438.11 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

438.12 FIRST AID TRAINING

Subject to available resources, the Training Coordinator should ensure deputies receive periodic first aid training appropriate for their position.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the CCPD. Information provided by the Arizona Department of Transportation (ADOT) is a valuable resource for traffic collision occurrences and therefore deputy deployment. Some of the factors for analysis include:

- (a) Location
- (b) Time
- (c) Day
- (d) Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of increased incidence and at the locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All deputies shall maintain high visibility while working general enforcement, especially at locations where there is a high incidence of collisions.

Other factors to be considered for deployment are construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy.

The enforcement of traffic violations and the investigation and reporting of traffic collisions shall be in compliance with the law and CCMO Policy 401 (Bias-Free policing). Deputies are reminded that they may not inappropriately rely on characteristics such as race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural

Traffic Function and Responsibility

group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

Several methods are effective in the reduction of collisions.

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when a deputy has probable cause to believe a violation of state or city motor laws has occurred. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
- (d) The court contact information

500.3.3 TRAFFIC CITATION COURT JURISDICTION

A deputy who issues a traffic citation shall ensure that the citation is properly directed to the court with jurisdiction in which the violation occurred.

500.3.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (ARS § 28-121):

- (a) Negligent homicide.
- (b) Driving under the influence of alcohol/drugs.
- (c) Hit-and-run resulting in serious injury or death.
- (d) Hit-and-run resulting in damage to any vehicle or property.

500.4 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 23 CFR 655.601).

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

Traffic Function and Responsibility

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment (23 CFR 634.3). Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a deputy.

Traffic Collision Response and Reporting

501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic collisions, providing aid and assistance, documentation of the incident and identification of criminal activity. The CCPD prepares traffic collision reports in compliance with state law. As a public service the CCPD makes traffic collision information available to the public.

501.2 CALL RESPONSE

Deputies should respond without delay when dispatched to a traffic collision. A traffic collision with injuries reported may include an emergency response if the deputy reasonably believes such a response is appropriate.

501.2.1 RESPONSE CONSIDERATIONS

A deputy responding to and upon arrival at a collision, should consider the following:

- (a) The most appropriate route to the incident.
- (b) Proper placement of the emergency vehicle to provide protection for deputies and the scene.
- (c) The use of flares, cones or other warning devices if available.
- (d) Potential for involvement of hazardous materials.
- (e) Additional support that may be necessary (e.g., traffic control, medical aid, HazMat, ambulance, tow vehicles and airship landing).
- (f) Provide first aid to any injured parties if it can be done safely, and obtain medical assistance as necessary.
- (g) Provision of traffic control and protection of the scene.
- (h) Clearance of the roadway.

501.3 COLLISION INVESTIGATION

Investigation of traffic collisions should include, as a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) Determination if any crime has occurred and taking appropriate enforcement action.
- (d) Identify and protect items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

Traffic Collision Response and Reporting

501.4 TAKING ENFORCEMENT ACTION

Deputies typically cannot make an arrest for a misdemeanor that did not occur in their presence. After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of State law led to the collision, deputies may issue a traffic citation or a misdemeanor citation to the offending driver.

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

501.5 TRAFFIC COLLISION REPORTING

501.5.1 DEPUTY RESPONSIBILITIES

Traffic collision reports shall be taken anytime there is death or injury, a violation of law, or when a report is requested. Office members shall utilize traffic collision reporting forms. All traffic collision reports taken by members of this office shall be forwarded to the supervisor for approval and data entry into the Records Management System.

Members who investigate a motor vehicle collision shall complete a written report pursuant to state law:

- (a) Either at the time of and at the scene of the accident or after the accident by interviewing participants or witnesses.
- (b) Within twenty-four hours after completing the investigation.

501.5.2 SUPERVISOR RESPONSIBILITIES

The Supervisor will be responsible for:

- (a) Maintaining traffic accident reports and immediately forwarding copies to the Arizona Department of Transportation pursuant to ARS § 28-667(C)(5).

When reviewing traffic accident reports, the supervisor will ensure that probable cause existed for the issuance of the citation.

501.5.3 UTAH TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with Utah Code 41-6a-402, traffic collision reports shall be taken for traffic collisions occurring on private property in Utah when the accident results in injury to, or death of any person, or total property damage to the apparent extent of \$1,500 or more. An incident report may be taken at the discretion of any supervisor.

501.5.4 UTAH TRAFFIC COLLISIONS INVOLVING LIVESTOCK

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

Traffic Collision Response and Reporting

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

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

501.5.5 UTAH TRAFFIC COLLISIONS INVOLVING SERIOUS INJURY OR DEATH

In compliance with Utah Code 41-6a-202, a deputy who issues a citation to a person for a moving traffic violation in Utah which results in a collision causing serious bodily injury or death shall note that fact on the citation.

501.6 REPORTING SITUATIONS

501.6.1 COLLISIONS INVOLVING DEATH TO DRIVERS

A deputy who investigates an accident that involves the death of one or more drivers shall promptly notify the county medical examiner (ARS § 28-668(A)).

If a county medical examiner is not available, the investigating deputy shall notify and secure a licensed physician or a person acting under the authority of a licensed physician to draw a sufficient sample of blood or other bodily substance for determining the alcohol concentration (ARS § 28-668(B)). The investigating officer shall forward the sample to the Arizona DPS crime laboratory for analysis.

501.6.2 TRAFFIC COLLISIONS INVOLVING TOWN VEHICLES

Traffic collision investigation reports shall be taken when a Town-owned vehicle is involved in a traffic collision on a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a Town vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Supervisor.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.6.3 TRAFFIC COLLISIONS WITH DEPUTY OFFICE EMPLOYEES

When an employee of this office, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the CCPD and it results in a serious injury or fatality, the Supervisor or the Marshal shall request the Arizona Department of Public Safety or other outside agency complete an investigation and report.

The term serious injury is defined as any injury that may result in a fatality.

Traffic Collision Response and Reporting

501.6.4 TRAFFIC COLLISIONS WITH OTHER TOWN EMPLOYEES OR OFFICIALS

The Supervisor or Supervisor may request assistance from the Arizona Department of Public Safety or other outside agency for the investigation of any traffic collision involving any Town official or employee where a serious injury or fatality has occurred.

501.7 NOTIFICATION OF SUPERVISOR

In the event of a serious injury or death-related traffic collision, the deputy shall notify the Marshal to relate the circumstances of the traffic collision and seek assistance from a supervisor. In the absence of the Marshal any supervisor may assign an investigator to investigate the traffic collision.

Vehicle Towing and Release Policy

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the CCPD.

502.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows:

502.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Office members requesting towing and storage of a vehicle shall do both of the following (ARS § 28-872(D)):

- (a) Provide the tow truck operator with a vehicle impound report signed by the member that includes (ARS § 28-872(D))
 1. The vehicle identification number.
 2. A number that identifies this office and the deputy ordering the tow.
 3. The year, make and model of the vehicle.
 4. The license plate number if available.
 5. The date and time the vehicle was towed.
 6. The address from which the vehicle was towed.
 7. The name, address and telephone number, if known, of the registered owner and the primary lien holder of the vehicle to permit the towing company to notify the registered owner or the primary lien holder.
- (b) Electronically communicate to the Records Section the following (ARS § 28-872(D)(2)):
 1. The name and telephone number of the person towing the vehicle.
 2. All the information provided to the tow truck operator.

Records personnel shall promptly record electronically communicated information from the completed vehicle impound report as prescribed by the Arizona Department of Public Safety (DPS) including entry into the National Insurance Crime Bureau (NICB) Impound/Stored Vehicle File (ARS § 28-872(F) and the Utah motor vehicle division (Utah Code 41-6a-1406(4)). Following entry, the form should be forwarded to the Supervisor for approval.

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or for information should inquiries be made.

502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company

Vehicle Towing and Release Policy

requested, a company will be selected from the rotational list of towing companies in the Dispatch Center.

If the owner is incapacitated or for any reason it is necessary for the Office to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call a company selected from the rotational list of towing companies. The deputy will then conduct an inventory and store the vehicle using a Vehicle Impound and Inventory Report.

502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Office should not be driven by deputy personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

502.2.5 RECORDS SECTION RESPONSIBILITIES

Records Section personnel shall enter pertinent data from the completed vehicle impound report form into Arizona Crime Information Center database within three business days of impound (ARS § 28-3511(G)). Approved forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Within 48 hours of recovering a stolen vehicle or receiving notification that a vehicle reported stolen through this office has been recovered, the Records Section shall make a reasonable and good faith effort to notify the victim of the recovery. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may pick up the vehicle. Upon recovery of a vehicle reported stolen to another agency, the Records Section shall promptly inform the agency that the vehicle is recovered, where it is located and when it can be released to the owner.

502.3 TOWING SERVICES

The Town of Colorado City periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.

Vehicle Towing and Release Policy

- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Office to tow a vehicle.

502.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, a vehicle shall be towed if it would present a traffic hazard or if it would be in jeopardy of theft or damage if left at the scene in a high-crime area.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- (a) Traffic-related warrant arrest.
- (b) Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings.
- (c) Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Office will not be responsible for theft or damages.

Live animals which are inside motor vehicles to be impounded shall be turned over to the owner or another responsible party whenever possible. Under known circumstances will a live animal accompany an impounded vehicle

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be impounded for safekeeping, and inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in deputy custody, to provide for the safety of deputies and the public, and to protect the Office against fraudulent claims of lost, stolen or damaged property.

Vehicle Towing and Release Policy

502.6 SECURITY OF VEHICLES AND PROPERTY

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

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to ARS § 28-3514.

503.2 NOTICE

Within three business days after immobilization or impoundment, excluding weekends and holidays, the Office shall mail or personally deliver notice of immobilization or storage to the owner of the vehicle.

The notice of immobilization or storage shall include all of the following information:

- (a) A statement that the vehicle was immobilized or impounded.
- (b) The address and telephone number to contact at this office regarding the immobilization or storage.
- (c) The name, address and telephone number of the entity that will provide an immobilization or post storage hearing.
- (d) The location of the place of storage and a description of the vehicle including the manufacturer, model, license plate number and mileage of the vehicle if available.
- (e) A statement that in order to receive an immobilization or post storage hearing the owner, the spouse of the owner, the owner's agent or the person identified in the office's records as having an interest in the vehicle shall within ten days after the date on the notice either:
 1. Request an immobilization or post storage hearing by contacting this office in person or in writing or by filing a request with the justice court.
 2. Paying the prescribed fee pursuant to ARS § 22-281.

503.3 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the CCPD, a hearing will be conducted upon the request of the owner or operator of the vehicle to determine if probable cause existed for the removal and placement of the vehicle.

The vehicle owner, spouse of the owner or other person having an interest in the vehicle shall have an opportunity for a single post storage hearing for the release of the vehicle by either this office or a justice court but not both (ARS § 28-3514(I)).

The hearing shall be conducted within five business days, excluding weekends and holidays, after the Office receives the request (ARS § 28-3514(F)). The hearing officer (Marshal or his designee) must be a person other than the person who directed the storage or impound of the vehicle.

The post storage hearing may be (ARS § 28-3514(A)):

Vehicle Impound Hearings

- (a) Conducted within this office's jurisdiction.
- (b) Conducted telephonically.
- (c) Transferred to a law enforcement agency in the jurisdiction in which the owner, spouse of the owner, the owner's agent or any person identified as having an interest in the vehicle resides.

503.3.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone, within 10 days of the date appearing on the notice (ARS § 28-3514(G)). The Marshal or a supervisor will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Office.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a mediation or reduction of the period the vehicle is impounded.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer may make reasonable adjustments to the impound period, storage or assessment fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be at the Office's expense.
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Supervisor. The hearing officer will recommend to the appropriate Supervisor that the fees paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Office.

Impaired Driving

504.1 PURPOSE AND SCOPE

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

504.2 POLICY

The CCPD is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Arizona's impaired driving laws.

504.3 INVESTIGATIONS

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

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

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Arizona or another jurisdiction.

504.4 FIELD TESTS

The Marshal or his designee should identify standardized field sobriety tests and any approved alternate tests for deputies to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent under Arizona law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ARS § 28-1321):

- (a) The arresting deputy has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or drugs.

Impaired Driving

- (b) The arresting deputy has reasonable grounds to believe the person is under 21 years of age and has any amount of alcohol in his/her body.
- (c) A deputy has reasonable grounds to believe that the person was involved in a traffic accident that resulted in death or serious physical injury and has probable cause to believe that the person caused the accident (ARS § 28-673).

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

504.5.1 PRELIMINARY TESTS

A deputy who has reasonable suspicion to believe that a person is in violation of ARS § 28-1381 (DUI) or ARS § 28-1382 (extreme DUI) may request that the person submit to a preliminary breath test before arrest (ARS § 28-1322).

504.5.2 STATUTORY NOTIFICATIONS

A deputy arresting a person for DUI shall provide the person with the mandatory statutory warnings for submitting to testing provided by ARS § 28-1321(B).

504.5.3 BREATH SAMPLES

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

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

504.5.4 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples. The blood draw should be witnessed by the assigned deputy.

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

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

504.5.5 URINE SAMPLES

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

Impaired Driving

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

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

504.6 UTAH CHEMICAL TESTS

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

- (a) The deputy has reasonable grounds to believe that the person was operating or in actual physical control of a motor vehicle while:
 - 1. Having a prohibited blood or breath alcohol content level as defined by Utah Code 41-6a-502 (DUI) or Utah Code 41-6a-530 (Alcohol Restricted Drivers).
 - 2. Under the influence of alcohol, any drug or combination of alcohol and any drug.
 - 3. Having any measurable controlled substance or metabolite of a controlled substance in the person's body.
- (b) The deputy has stopped a person under the age of 21 and has reasonable grounds to believe that the person was operating or in actual physical control of a vehicle or motorboat with a measurable blood, breath or urine alcohol concentration in the person's body (Utah Code 53-3-231).

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

504.7 REFUSALS

When a person refuses to provide a chemical sample, deputies should:

- (a) Advise the person of the consequences of refusing a test requested pursuant to ARS § 28-1321; (Utah Code 41-6a-520).
- (b) Audio- and/or video-record the advisement and the response when it is legal and practicable.
- (c) Document the refusal in the appropriate report.

504.7.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test, deputies shall personally serve the notice of suspension, on behalf of the Arizona Department of Transportation (ADOT), upon the person and take possession of any state-issued license or permit to operate a motor vehicle that is held by that person. If the person's license is surrendered, the deputy shall issue the person a 30-day temporary driving permit. If the person's license or permit is not surrendered, the deputy should include the reason why in the deputy's report (ARS § 28-1321).

Impaired Driving

504.7.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses to submit to a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (ARS § 28-1321).
- (b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.
- (c) If the deputy has probable cause to believe that the person has violated the state's impaired driving laws and a sample of blood, urine, or other bodily substance has been taken from that person for any reason, the deputy may request a portion of that sample for analysis (ARS § 28-1388).

504.7.3 FORCED BLOOD SAMPLE

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

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Supervise any use of force and ensure the forced withdrawal is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

Impaired Driving

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

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

504.7.4 UTAH BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when a search warrant has been obtained.

504.8 ARREST AND INVESTIGATION

504.8.1 RESULTS FROM HEALTH CARE INSTITUTION

A deputy who has reasonable grounds to believe that a person is DUI may request a copy of any written or electronic report of the person's blood alcohol concentration that is in the possession of a health care institution (ARS § 28-1390).

504.8.1 ADDITIONAL TESTING

The person tested shall be given a reasonable opportunity to arrange for any physician, registered nurse or other qualified person of the person's own choosing to administer a test or tests, in addition to any administered at the direction of a deputy (ARS § 28-1388).

504.8.2 IGNITION INTERLOCK DEVICE

A person arrested for DUI, who is also under a previous court order to have a certified ignition interlock device (IID) on his/her motor vehicle, shall submit to any test chosen by a deputy (ARS § 28-1464).

504.8.3 DEPUTY RESPONSIBILITIES

The arresting deputy shall file a certified report of a person's refusal, the surrendered license and copies of the notice of suspension and temporary permit with ADOT within five days. The certified report shall contain (ARS § 28-1321):

- (a) The deputy's reasonable grounds to believe that the arrested person was driving or in actual physical control of a motor vehicle:
 - 1. While under the influence of intoxicating liquor or drugs.
 - 2. Or was under 21 years of age and had alcohol in his/her body
- (b) The manner in which the person refused to submit to the test or tests.
- (c) That the person was advised of the consequences of refusal.

504.8.4 QUALITY ASSURANCE

This office shall utilize a quality assurance program, conducted by quality assurance specialists or operators, regarding devices used to determine alcohol concentration and shall generate records of periodic maintenance of those devices, pursuant to AAC § R13-10-104.

Impaired Driving

504.9 UTAH ARREST AND INVESTIGATION

504.9.1 UTAH ARREST AUTHORITY

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

504.9.2 UTAH VEHICLE IMPOUNDMENT

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

504.9.3 UTAH DEPUTY RESPONSIBILITIES

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

- (a) Issue the person a temporary license certificate.
- (b) Provide the person with basic information regarding how to obtain a hearing before DLD.
- (c) Forward a report to DLD within 10 days of giving the notice to the person that the deputy had reasonable grounds to believe the arrested person was DUI and that the person refused to submit to a chemical test as required by law.

504.9.4 UTAH SELECTION OF CHEMICAL TEST

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

504.9.5 UTAH ADDITIONAL TESTING

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

504.10 UTAH REPORTING

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

504.11 RECORDS SECTION RESPONSIBILITIES

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

Impaired Driving

The Records Manager should ensure that any driver license or permit seized is destroyed in compliance with ARS § 41-151.15 and ARS § 41-151.19 (public records laws) or forwarded to ADOT within five days after issuance of the notice of suspension to the driver (ARS § 28-1321; ARS § 28-1385).

The Records Manager should also ensure the results of any breath, blood, urine, or other bodily substance test is forwarded in a timely manner to ADOT by certified report (ADOT form) as prescribed by ARS § 28-1385.

504.12 ADMINISTRATIVE HEARINGS

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to ADOT and UDOT.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and the ADOT file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Section should forward this to the prosecuting attorney as part of the case file.

504.13 TRAINING

The Training Coordinator should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Coordinator should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations

505.1 PURPOSE AND SCOPE

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

505.2 RESPONSIBILITIES

Employees of this office shall use the state uniform traffic ticket and complaint form for traffic complaints.

The Records Section shall be responsible for the issuance and accounting of all traffic citations provided to employees of this office pursuant to state law..

Manual citations will be kept in a secure location and issued to deputies by Records Section staff. Deputies will sign for the citation books when issued and the Records Section will maintain a receipt for each book issued. Citations issued electronically will be managed electronically.

Deputies shall return to the Records Section (ARS § 28-1558(D)):

- (a) Each traffic citation issued to an alleged violator of a traffic law or ordinance.
- (b) Copies of each traffic citation that is spoiled or on which any entry has been made and not issued to an alleged violator.

505.2.1 DATA COLLECTION

The Records Section should maintain information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

- (a) Location of the stop.
- (b) The race or ethnicity, age and gender of the individual detained.
- (c) Whether a search or frisk was conducted whether the person detained consented to the search, and the result of the search or frisk (i.e., weapons/contraband found).

The Records Section should submit an annual report to the Town of all traffic citations for conducting monthly audits as required pursuant to ARS § 28-1560(B).

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the Marshal may send a written request recommending dismissal of the traffic citation to the prosecutor. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Traffic Citations

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

Only the court has the authority to dismiss a citation that has been deposited with a court (ARS § 28-1558(B)). (Utah Code 77-7-26)

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Patrol supervisor.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Patrol supervisor. The Patrol supervisor shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this office, all employees who were issued traffic citation books shall return any unused citations to the Records Section.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Arizona and Utah law.

505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 DEPUTY RESPONSIBILITIES

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

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Office personnel will be contingent on the time of day, the location, the availability of Office resources and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST

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

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

Abandoned Vehicle Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws, under the authority of ARS § 28-4834. Utah Code 41-6a-1408

507.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned Vehicle - A vehicle, trailer or semitrailer that is subject to registration, whether lost, stolen, abandoned or otherwise unclaimed and that has been abandoned on a public highway, public property or elsewhere, including private property. Evidence that a vehicle was left unattended for a period of 48 hours within the right-of-way of any highway, road, street or other public thoroughfare or for a period of 72 hours on public or private property or elsewhere is prima facie evidence of abandonment (ARS § 28-4801).

507.2 UTAH REMOVAL OF VEHICLES

Vehicles in violation of Utah Code 41-6a-1408 and by order of a deputy of the Department shall be removed, at the owner's expense, by a tow truck motor carrier that meets the standards as described in Utah Code, The Motor Carrier Safety Act.

507.2.1 UTAH RECORDING OF VEHICLES IMPOUNDED

Immediately after the removal of the vehicle, a Vehicle Impound Report Form shall be completed and sent to the Motor Vehicle Division. A copy of this form shall also be forwarded to the Records Department. In accordance with Utah Code 41-6a-1406, the form shall include:

- (a) The operator's name, if known.
- (b) A description of the vehicle.
- (c) The vehicle identification number.
- (d) The license number, or other identification number issued by a state agency.
- (e) The date, time, and place of impoundment.
- (f) The reason for removal or impoundment.
- (g) The name of the tow truck motor carrier who removed the vehicle.
- (h) The location where the vehicle is stored.

507.2.2 UTAH VEHICLE STORAGE

Any vehicle in violation in Utah shall be stored at a state impound yard or, if none, a garage, a docking area, or any other place of safety by the authorized tow truck motor carrier and a Vehicle Impound Report Form shall be completed by the deputy authorizing the storage of the vehicle and the tow truck motor carrier (Utah Code 41-6a-1406).

Abandoned Vehicle Violations

507.3 PROCEDURE

Vehicles on public roadways suspected of being abandoned in violation of Arizona or Utah abandoned vehicle laws shall be noted on the CCPD vehicle card or documented via the computer-aided dispatch (CAD) system. No case number is required at this time.

All vehicle cards shall be submitted to the Patrol for computer data entry unless documented via the CAD system.

If a vehicle has been moved during a four or 24-hour investigation period, the vehicle shall be recorded again for either the four or 24-hour abandonment violation and a vehicle card completed and forwarded to the Patrol or a CAD update completed.

507.3.1 VEHICLE CARD FILE

The Patrol shall be responsible for maintaining a file for all vehicle cards. In addition, abandoned vehicles may be entered into the Arizona Department of Public Safety stolen vehicle file.

Parking control officers assigned to the Patrol shall be responsible for the follow-up investigation of all abandonment violations noted on the vehicle cards or CAD system.

507.3.2 VEHICLE STORAGE

Any vehicle in violation should be stored and a vehicle storage report shall be completed in accordance with the Vehicle Towing and Release Policy.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

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

600.2 POLICY

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

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

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

Investigation and Prosecution

600.4 CASE SOLVIBILITY AND TIME LIMITS

When assigned to a case for initial or follow-up investigation, deputies shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges. The following is an outline of cases and timeframe for completion. The nature of the offense and circumstances will be considered.

- (a) Incident Only
 1. Incident Only reports are incidents where a written report is not required by the deputy. Generally it is a call for service, citizen assist, warnings, abandoned 911, etc...
 2. Incident Only reports will be generated in Computer Aided Dispatch (CAD) and the dispatcher will place the appropriate comments in the call such as GOA, Message delivered, door unlocked, etc....
- (b) Early Case Closure (ECC).
 1. ECC may only be used when at the time of the initial report there are no leads available for the deputy to follow up on. These cases should be closed as an (ECC) by the end of the deputy's shift each week. Early case closures can be reactivated any time new information or leads are developed.
- (c) Case closed by arrest
 1. When assigned to a case that has been cleared by arrest, the deputy will submit all necessary reports and forms on the following work day.
- (d) Cases needing follow-up, upon receipt of any case the investigating deputy will:
 1. Contact and interview the victim and or reporting party as soon as possible, but no later than (7) days after the assignment of the case.
 2. Give the complainant his/her business card or the victims' rights form if applicable. for future contact.
 3. Within 30 days of receipt of a case, the investigating officer shall have followed up on all available leads and interviewed all potential witnesses. Cases where the investigating deputy has not solved the case, the investigating deputy should consider contact with the complainant again to ascertain whether there is additional information available before the case is closed.
- (e) Cases that have not been solved or closed within 30 days should be submitted with an accurate, thorough, and up-to-date account of all tasks undertaken by the deputy during the investigation. The first report will be turned in no later than 30 days after the assignment of the case. If the case remains pending, a supplemental will be submitted no later than 60 days after assignment. A third supplemental report will be submitted no later than 90 days after the assignment of the case. No cases will be held pending for longer than 90 days after assignment unless the case has been reviewed and its pending status approved by the Marshal or his designee.
- (f) Traffic Accidents. Traffic Accident reports and state forms should be submitted Within 24 hours of completing the investigation.

Investigation and Prosecution

- (g) Unfounded cases. When the investigating deputy shows the complaint was false or baseless the case is closed as unfounded. The report should clearly state the reason/s and should disprove the crime occurred.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy. Interviews or interrogation of a person with a communications disability shall be in accordance with the Communications with Persons with Disabilities Policy.

600.5.1 AUDIO/VIDEO RECORDINGS

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

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

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

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable. Utah Code 76-3-203.5(1)(c)(i)

600.6 DISCONTINUATION OF INVESTIGATIONS

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

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

Investigation and Prosecution

- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

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

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

600.7 COMPUTERS AND DIGITAL EVIDENCE

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

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

Information obtained via the internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and the Criminal Intelligence Systems policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any office computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses,

Investigation and Prosecution

requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

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

600.9 COLD CASE REGISTER

The Office shall maintain a confidential cold case register for offenses including homicides and felony sexual offenses that have remained unsolved for more than one year. As reasonably practicable, cold cases shall be revisited periodically for new information.

Maintenance of the cold case register and proper notification of the victim, victim's family or appropriate representative shall be in accordance with State law..

600.10 THEFT NOTIFICATION WEBSITE REGISTRATION

The Patrol supervisor shall ensure that this office is registered with the free theft notification website and reports stolen items via the website to recycling operations and other law enforcement agencies within a 100-mile radius of a theft (ARS § 44-1641.02; ARS § 44-1641.05).

600.11 MODIFICATION OF CHARGES FILED

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

600.12 TRACKING DEVICES AND CELL SITE SIMULATORS

The Supervisor is responsible for ensuring that search warrants for use of tracking devices and cell site simulators meet the requirements of the provisions contained in ARS § 13-4293 and ARS § 13-4294.

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

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

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in ARS § 13-1401 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the CCPD that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

The trauma experienced by the victim of sexual assault can inflict serious and lasting emotional and psychological harm on the victim and impair the victims ability to participate in the investigation. Officers and detectives play a significant role in the victims ability to cope with the emotional and psychological after-effects of the crime and willingness to participate in the investigation. It is imperative that officers responding to a sexual assault incident recognize, understand, and manage these effects for the benefit of the victim and the criminal investigation.

The trauma experienced by a sexual assault victim may be so overwhelming that a victim cannot function well enough to assist in the investigation at certain stages of the case. Trauma also affects memory and the ability to explain events in a narrative form. Trauma from crime victimization complicates a victims participation in the investigation. It is important that sexual assault cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime. All members shall initiate investigations without the presumption that the victim is lying and shall not express cynicism or blame to the victim. CCMO prioritizes encouraging victims of sexual assault to feel safe reporting these crimes to law enforcement and conducting thorough investigations of reported sexual assaults.

Sexual Assault Investigations

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.4.1 WEBSITES THAT SEXUALLY EXPLOIT CHILDREN

Members who become aware of a website that sexually exploits children shall notify a supervisor who will ensure the service provider of the website is served notice of the alleged violation pursuant to ARS § 13-3562.

601.4.2 UTAH VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense may keep the identity of the victim and the report confidential if any of the following circumstances are present (Utah Code 63G-2-302; Utah Code 63G-2-305):

- (a) The report would reveal the victim's medical history, diagnosis, condition, treatment, evaluation or similar medical data.
 - 1. Medical records may also include statements relative to medical history, diagnosis, condition, treatment and evaluation.
- (b) The disclosure of the report would jeopardize the life or safety of an individual.
- (c) The disclosure of the report could be expected to interfere with the investigation.

601.4.3 UTAH VICTIM'S RIGHTS

Members investigating or receiving a report of an alleged sexual assault shall ensure the victim is provided with a handout explaining the victim's rights, and information and resources available (see the Victim and Witness Assistance Policy) (Utah Code 77-37-3).

In addition, members shall inform the victim of the following (Utah Code 77-37-3):

Sexual Assault Investigations

- (a) That the victim has the right to request a test for the HIV infection.
- (b) That the victim may, upon request, be notified of the following:
 - 1. Whether a DNA profile was obtained from the rape kit or other evidence in his/her case.
 - 2. Whether that DNA profile was entered into the Utah Combined DNA Index System (CODIS).
 - 3. Whether there is a match between that DNA profile or other crime scene evidence and a DNA profile in the Utah CODIS, unless such notice would impede or compromise an ongoing investigation.
 - 4. That the victim has a right to designate a person to act as a recipient of the above information.

Victims should be apprised of other applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.5 VICTIM INTERVIEWS

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

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

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

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

Victims should not be asked or required to take a polygraph examination (34 USC § 10449).

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

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

Investigators shall encourage the victim not to change clothing, smoke, eat, drink, shower, urinate, or defecate by explaining that those activities could destroy evidence. If the victim decides to do any of these activities, a Qualified investigator shall provide instructions on preservation of

Sexual Assault Investigations

evidence and chain of custody. Clothing or other items that may contain DNA should be placed in a paper, not plastic, bag. Investigators shall carry receptacles for the collection of urine samples.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable. Signs of drug-facilitated sexual assault could include:

- (a) The victim reports being under the influence of a drug during the sexual assault;
- (b) The victim experiences vaginal soreness or other signs of sexual activities and cannot remember a part or the entirety of the incident;
- (c) The victim reports becoming heavily intoxicated very rapidly;
- (d) The victim reports symptoms of amnesia; and
- (e) The victim may exhibit symptoms of intoxication if still under the influence of rape-facilitating drugs.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

If the supervisor or assigned investigator determines that DNA evidence from a rape kit will not be analyzed in a case involving an unknown perpetrator, the victim shall be notified in a timely manner (Utah Code 77-37-3(3))

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following (ARS § 13-1426):

- (a) Facilitate the collection of a sexual assault kit when notified by a health care facility that a sexual assault kit is ready for release within five business days of notification.
- (b) Ensure the sexual assault kit evidence is submitted to the appropriate laboratory within 15 business days after its receipt in cases where the victim has made a report and there is a reasonable belief that a crime has occurred.

Additional guidance regarding evidence retention and destruction is found in the Evidence Room Policy.

601.6.2 MINOR CONSENT TO MEDICAL EXAMINATION

Where a minor, age 12 years or older, is a victim of a sexual assault and it is not possible to contact the parents or legal guardian within the allotted timeframe a medical examination should be conducted. The minor may give consent to a hospital, medical and surgical examination, as well as to diagnosis and care in connection with such violation (ARS § 13-1413).

Sexual Assault Investigations

601.6.3 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

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

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Marshal.

Classification of a sexual assault case as unfounded requires the Marshal or his designee to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Marshal should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- (a) Case dispositions.
- (b) Decisions to collect biological evidence.
- (c) Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Marshal.

601.8.1 REPORTING TO DEPARTMENT OF PUBLIC SAFETY

The Marshal or his designee should ensure that the data required by the Department of Public Safety (DPS) regarding sexual assault kits is collected and provided to the Records Section for required annual reporting to DPS (ARS § 13-1427) (See Records Bureau Policy).

601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing

Sexual Assault Investigations

helpful investigative leads. The Supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
- (b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

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

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Marshal to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the CCPD seizes property for forfeiture or when the CCPD is acting as the fiscal agent pursuant to a multi-agency agreement.

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

Forfeiture reviewer - The office member, assigned by the Marshal, who is responsible for reviewing all forfeiture cases and acting as the liaison between the Office and the prosecutor.

Property subject to forfeiture - Property, including all interests in such property, described in a statute providing for its forfeiture. This may include but is not limited to (ARS § 13-4304):

- (a) The following items used or intended for use in drug offenses in violation of ARS § 13-3401 et seq. (ARS § 13-3413):
 1. Property, equipment, containers, materials, or money.
 2. Vehicles to facilitate the transportation, sale, or receipt of, or in which is contained or possessed, any item or drug (with exceptions addressed below).
- (b) The following property (ARS § 13-3413):
 1. Proceeds traceable to a drug offense in violation of ARS § 13-3401 et seq. committed for financial gain and that resulted in a criminal conviction.
 2. All proceeds seized in this state and traceable to an offense that:
 - (a) Is committed outside Arizona but is equivalent to an Arizona drug offense under ARS § 13-3401 et seq. and resulted in a criminal conviction.
 - (b) Is punishable by imprisonment for more than one year.
 - (c) Involves prohibited drugs, marijuana, or other prohibited chemicals or substances.
 - (d) Is committed for financial gain.
- (c) Property utilized in or proceeds from racketeering offenses (ARS § 13-2314).
 1. Property or interests in property acquired or maintained by an individual in violation of ARS § 13-2312.

Asset Forfeiture

2. Any interest in, security of, claims against, or property, office, title, license, or contractual right of any kind affording a source of influence over any enterprise or other property which an individual has acquired or maintained an interest in, or control of, or conducted or participated in the conduct of in violation of ARS § 13-2312.
3. Proceeds traceable to an offense included in the definition racketeering (ARS § 13-2301(D)(4)) and held by an individual, and all monies, negotiable instruments, securities, and other property used or intended to be used by an individual in any manner or part to facilitate commission of the offense and that an individual either owned or controlled for the purpose of that use (racketeering includes an expansive list of applicable offenses).
4. Any other property of equivalent value to other property subject to forfeiture for racketeering above.
5. Any property or interest in property acquired or maintained by an individual in violation of ARS § 13-2312.

(d) Vehicles used in a drive-by shooting (ARS § 13-1209).

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

602.2 UTAH DEFINITIONS

Property subject to forfeiture - Property that has been used to facilitate the commission of a federal or state offense and any proceeds of criminal activity, including both of the following (Utah Code 24-4-102):

- (a) Real property, including things growing on, affixed to and found in land
- (b) Tangible and intangible personal property, including money, rights, privileges, interests, claims and securities of any kind

602.3 POLICY

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

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

602.4 ASSET SEIZURE

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

Asset Forfeiture

602.4.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer (ARS § 13-4305):

- (a) Property subject to forfeiture identified in a search warrant or court order.
- (b) Property subject to forfeiture not identified in a search warrant or court order when any of the following are true:
 - 1. Property is legally seized incident to an arrest or search as evidence of an offense.
 - 2. The deputy has probable cause to believe the property qualifies as property subject to forfeiture.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

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

602.4.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the prosecutor's current minimum forfeiture thresholds should not be seized.
- (b) A vehicle, when it appears that the owner or other person in charge of the vehicle did not consent to the use of the vehicle for the relevant offense or know of the offense (ARS § 13-4304).
- (c) A vehicle unlawfully in the possession of an individual other than the owner in violation of the criminal laws of this state or of the United States (ARS § 13-4304).
- (d) Property or vehicles used for a drug offense involving unlawful substances that do not meet the threshold amounts of ARS § 13-3401 and are not possessed for financial gain (ARS § 13-4304).

602.5 UTAH ASSET SEIZURE

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

602.5.1 UTAH PROPERTY SUBJECT TO SEIZURE

- (a) Property that may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer includes (Utah Code 24-2-102):
 - 1. Property subject to forfeiture that has been identified in a court order or is the subject of a prior judgment.
 - 2. Property subject to forfeiture that is seized incident to an arrest or upon the authority of a search or administrative warrant.

Asset Forfeiture

- (b) Property subject to forfeiture can be lawfully seized without a court order when:
 - 1. There is probable cause to believe it is directly or indirectly dangerous to health or safety.
 - 2. It is evidence of a crime.
 - 3. It has been used or was intended to be used to commit a crime.
 - 4. It constitutes the proceeds of a crime.

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

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

602.5.2 UTAH PROPERTY NOT SUBJECT TO SEIZURE

Property that should not be seized for forfeiture includes:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture guidelines.
- (b) Property that the deputy reasonably believes may belong to an innocent owner (Utah Code 24-4-107).
- (c) A motor vehicle used in a violation of driving under the influence of alcohol and/or drugs (Utah Code 41-6a-502); driving with any measurable controlled substance in the body (Utah Code 41-6a-517); driving while having a controlled substance in the body and causing serious injury (Utah Code 58-37-8(2)(g)); automobile homicide (Utah Code 76-5-207); or a local DUI ordinance, may not be forfeited unless any of the following apply:
 - (d) The operator of the vehicle has previously been convicted of a violation, committed after May 12, 2009, of offenses specified in Utah Code 24-4-102.
 - (e) The operator of the vehicle was driving on a denied, suspended, revoked or disqualified license and the denial, suspension, revocation or disqualification was imposed based upon violations specified in Utah Code 24-4-102.
 - (f) Property used to facilitate specific crimes related to pornography or material harmful to children (Utah Code 76-10-1204; Utah Code 76-10-1205; Utah Code 76-10-1206; Utah Code 76-10-1222) if the seizure would constitute a prior restraint or interference with a person's rights under the First Amendment to the U.S. Constitution or the Utah Constitution (Utah Code 24-4-102).

602.6 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized.

Asset Forfeiture

When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.

- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

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

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

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

602.7 UTAH PROCESSING SEIZED PROPERTY FOR FORFEITURE

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following (Utah Code 24-2-103):

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

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

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

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

Asset Forfeiture

602.8 MAINTAINING SEIZED PROPERTY

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

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used by the Office unless the forfeiture action has been completed.

602.9 FORFEITURE REVIEWER

The Marshal will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Office on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws ARS § 13-4301 et seq., and the Forfeiture and Disposition of Property Act Utah 24-1-101 et seq. and the forfeiture policies of the prosecutor/counsel.
- (b) Serving as the liaison between the Office and the prosecutor and ensuring prompt legal review of all seizures (ARS § 13-4306).
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for office use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement personnel involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.

Asset Forfeiture

4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
 5. Ensure notice of seizure has been given in a timely manner to those who hold an interest in the seized property (see Utah Code 24-4-103; 24-4-104).
- (g) Ensuring that those who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (ARS § 13-4306; ARS § 13-4307).
 4. Property is promptly released to those entitled to its return.
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Marshal to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information is available for other law enforcement personnel and attorneys who may assist in these matters.
- (j) Ensuring that the process of selling or adding forfeited property to office inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.
- (k) Upon completion of any forfeiture process, ensuring that no property is retained by the CCPD unless the Marshal authorizes in writing the retention of the property for official use.
- (l) Ensuring that no seized property is transferred to a federal agency except as authorized by ARS § 13-4306.

Asset Forfeiture

- (m) Any record of a related interview of a child are retained pursuant to (Utah Code 24-2-103).

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

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and Town financial directives. The Utah Code 24-4-118 should be referenced for reporting federal seizures to the Utah Commission on Criminal and Juvenile Justice.

602.10 DISPOSITION OF FORFEITED PROPERTY

Property that is allocated for official use may not be assigned for use by any person who supervised or exercised discretion in its forfeiture unless the use is approved in writing by the Marshal (ARS § 13-4315).

Any funds from the county anti-racketeering revolving fund administered by the county attorney shall be used for purposes specified in ARS § 13-2314.03 (e.g., gang prevention, substance abuse prevention, witness protection or any other purpose permitted by federal law related to forfeited money transferred to a law enforcement agency). If forfeited funds are being requested, the forfeiture reviewer shall take reasonable steps to see that a written application is forwarded to the county attorney and that expenditures of funds are documented and reported as required by ARS § 13-2314.03.

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

602.10.1 UTAH LIMITATION ON FEES FOR HOLDING SEIZED PROPERTY

The Office will not charge a person contesting a forfeiture any fee or cost for holding seized property as the result of any civil or criminal forfeiture in which a judgment is entered in favor of the person, or where a forfeiture proceeding is voluntarily dismissed by the prosecuting attorney (Utah Code 24-4-112).

602.11 TRAINING

The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, or directives. The training should cover this policy and address any relevant statutory changes and court decisions.

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the CCPD for law enforcement purposes. This also includes a person agreeing to supply information to the CCPD for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The CCPD recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

A deputy wishing to use an informant will gather all personal information necessary to complete a background check. The deputy will present all data collected and a written request to the Marshal for approval.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Marshal or the authorized designee

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Informants

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Marshal or supervisor.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as deputies, employees or agents of the CCPD, and that they shall not represent themselves as such.
- (d) The relationship between office members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Patrol supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Patrol supervisor.
 - 1. Deputies may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
- (g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Informants

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.
- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this office to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the office . The Patrol supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Marshal or supervisor.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability

Informants

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
 - (j) Name of the deputy initiating use of the informant
 - (k) Signed informant agreement
 - (l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- (a) The extent of the informant's personal involvement in the case
- (b) The significance, value or effect on crime
- (c) The value of assets seized
- (d) The quantity of the drugs or other contraband seized
- (e) The informant's previous criminal activity
- (f) The level of risk taken by the informant

The Patrol supervisor will discuss the above factors and recommend the type and level of payment subject to approval by the Marshal.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Patrol buy/expense fund.
 1. The Patrol supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the deputy who will be delivering the payment.
 1. The check shall list the case numbers related to and supporting the payment.
 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 4. Authorization signatures from the Marshal and the Town Manager are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.
 1. The cash transfer form shall include the following:
 - i. Date

Informants

- ii. Payment amount
 - iii. CCPD case number
 - iv. A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
 3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

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

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

603.6.3 AUDIT OF PAYMENTS

The Patrol supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Marshal or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

Eyewitness Identification

604.1 PURPOSE AND SCOPE

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

604.1.1 DEFINITIONS

Definitions related to the policy include:

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

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

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

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

604.2 POLICY

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

604.3 INTERPRETIVE SERVICES

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

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

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Marshal or his designee shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate related forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

Eyewitness Identification

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

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

604.5 EYEWITNESS IDENTIFICATION

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

- (a) The individual was apprehended near the crime scene.
- (b) The evidence points to the individual as the suspect.
- (c) Other witnesses have identified or failed to identify the individual as the suspect.

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

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.6 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being reviewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

Eyewitness Identification

stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.7 FIELD IDENTIFICATION CONSIDERATIONS

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

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

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

Eyewitness Identification

- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

604.8 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

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

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

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

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the CCPD that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

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

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

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

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

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

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

605.4 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

Brady Material Disclosure

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and office member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or office counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

605.5 UTAH DISCLOSURE OF PERSONNEL INFORMATION

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

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of Brady material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court (Utah Code 63G-2-202(7)).
 - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant Brady material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

Brady Material Disclosure

- (e) If a court has determined that relevant Brady information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member. The Marshal shall record the name of the deputy on a document that the CCMO will make available for inspection by the Consultant, Mentor, and Monitor. The Marshal shall preserve the deputy's name on this document at least for the duration of his or her employment with the Marshal's Office.

The Marshal shall examine the personnel files and/or internal affairs files of all deputies who may be material witnesses in criminal cases at least annually to determine whether they contain Brady information. The Marshal shall record the name of any deputies whose personnel and/or internal affairs files contain *Brady* information that will be made available for inspection by the Consultant, Mentor, and Monitor. The Marshal shall preserve the deputy's name on this document at least for the duration of his or her employment with the Marshal's Office.

The obligation to provide *Brady* information is ongoing. If any new Brady information is identified, the prosecuting attorney should be notified.

605.6 INVESTIGATING BRADY ISSUES

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.7 TRAINING

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

605.8 BRADY PROCESS

The Marshal shall select a member of the Office to coordinate requests for *Brady* information. This person shall be directly responsible to the Marshal or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the Town Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 1. Updating this list whenever potential *Brady* information concerning any office member becomes known to the Office or is placed into a personnel or internal affairs file.
- (c) Sending a member or former member the notice received from a prosecutor's office regarding placement or potential placement on a *Brady* list (also known as rule 15.1 database) to the current or last known address of the member as soon as practicable upon receipt (ARS §38-1119).

Brady Material Disclosure

605.9 SUBPOENA PROCESSING

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

Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY

Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Marshal will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Marshal or the authorized designee, depending on the type of mission.

Unmanned Aerial System (UAS) Operations

- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Marshal.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

606.5.1 UTAH DATA COLLECTED BY PRIVATE CITIZEN

The CCMO may not accept or review data captured by a privately owned UAS unless one of the following conditions exists (Utah Code 63G-18-103(2)):

- (a) The person delivering the UAS data informs the Department that the data appear to pertain to the commission of a crime.

Unmanned Aerial System (UAS) Operations

- (b) The person believes, in good faith, that the data pertain to an imminent or ongoing emergency that involves the danger of death or serious bodily injury to another person and that the disclosure of the data will permit the Department to assist in responding to the emergency.

606.5.2 UTAH TEMPORARY FLIGHT RESTRICTION DUE TO WILDLAND FIRES

A department UAS shall not be used in an area under a temporary flight restriction as a result of a wildland fire without the permission of, and in accordance with the restrictions established by, the official in command of the fire response (Utah Code 65A-3-2.5).

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

606.8 UTAH RETENTION OF UAS DATA

The Records Department supervisor shall ensure that data collected by the UAS is deleted unless retention is permitted or required under state law (Utah Code 63G-18-104).

Data obtained, received or used at a test site or to locate a missing person shall be destroyed as soon as reasonably possible (Utah Code 63G-18-103).

606.9 UTAH REPORTING

The Records Department supervisor shall ensure that the information for reports filed with the DPS is collected and submitted as required by Utah Code 63G-18-105. The written report shall be made public on the department's website (Utah Code 63G-18-105).

Arrest and Search Warrant Service

608.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this office. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants (policy 608).

This policy is not intended to address routine field arrests where deputies have probable cause to make an arrest at the scene of an incident.

608.1.1 UTAH DEFINITIONS

Definitions related to this policy include:

Reportable incident - An incident where forcible entry is used or a special unit specifically trained and equipped to respond to critical, high-risk situations is deployed in the service of a search warrant (Utah Code 77-7-8.5).

Search Warrant- A legal document issued by a magistrate/judge authorizing a police officer to enter and search a premise.

Arrest Warrant - A legal document issued by a magistrate/judge that authorizes a police officer to arrest a person (Utah code 77-7-5).

608.2 POLICY

It is the policy of the CCPD to balance the safety needs of the public, the safety of office members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

608.3 OPERATIONS DIRECTOR (SUPERVISOR)

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

608.3.1 UTAH REPORTING REQUIREMENTS

The supervisor shall prepare a report on all reportable incidents in the format developed by the Commission on Criminal and Juvenile Justice (CCJJ), as required by Utah Code 77-7-8.5. The

Arrest and Search Warrant Service

supervisor shall ensure that reports on all reportable incidents in the prior year are submitted to the Marshal by February 1 of each year.

The Marshal shall review and approve the report and ensure that it is forwarded to the CCJJ and the designated recipient for the County no later than April 30.

608.3.2 MODEL GUIDELINES OF THE UTAH PEACE OFFICER STANDARDS AND TRAINING COUNCIL

The supervisor shall be familiar with any model guidelines and procedures recommended by the Utah Peace Officer Standards and Training Council regarding warrants and ensure members follow the guidelines and procedures (Utah Code 77-23-210).

608.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. If the deputy reasonably believes that executing the search warrant may pose a higher risk than commonly faced on a daily basis, he/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

Legal Basis for obtaining a Search Warrant

The following guidelines will be followed by members of the Office when obtaining search warrants:

- (a) Deputies must be able to articulate probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular location
- (b) Any facts that establish probable cause must be clear and specific. Deputies may not rely solely on personal opinion, unauthorized third-party information, or hearsay. The deputy basis all facts on:
 1. Personal observation or knowledge; or
 2. Information from a reliable source
- (c) When informants are used, particularly confidential informants, specific information should be provided on their reliability, and verified when possible.

Affidavit Preparation:

An affidavit supporting the warrant is prepared on the appropriate agency form before executing a warrant.

608.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit

Arrest and Search Warrant Service

it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

608.6 WARRANT PREPARATION

A deputy who prepares a warrant should ensure the documentation (an affidavit) in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available and the physical address.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).
- (i) Names of those searched in any manner, and experts or specialists used for searching technology items shall be noted individually in the affidavit.

608.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

Arrest and Search Warrant Service

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

608.8 UTAH NO-KNOCK ENTRIES

Deputies may execute a warrant without notice of the authority and purpose only if (Utah Code 77-23-210; Utah Code 77-7-6; Utah Code 77-7-8):

- (a) A no-knock warrant has been issued.
- (b) There is reasonable suspicion to believe that the notice will endanger the life or safety of the [officer/deputy] or another person.
- (c) There is probable cause to believe that evidence may be easily or quickly destroyed.
- (d) There is reason to believe that the notice will enable the escape of a person to be arrested.
- (e) The person to be arrested is engaged in the commission or attempted commission of an offense or has been pursued immediately after the commission of an offense or an escape.

General Entry Guidelines to be followed by deputies on all Warrant Service, except when the above referenced no-knock criteria has been met:

- (a) Entry into the property may occur anytime of the day or night as specified in the warrant.
- (b) Approach the scene silent, without siren.

Arrest and Search Warrant Service

- (c) Coordinate with the surveillance team to make sure the timing is still appropriate for the warrant service.
- (d) "Knock and Announce Rule" Prior to entry announce in a loud voice, loud enough to be heard inside the premises, "Police, open the door, we have a warrant to search your premise". If not acknowledged and the door open with reasonable promptness, then the deputies can use the force reasonable and necessary to gain entry in to the premise (Utah Code 77-23-210).
- (e) Deployment and search tactics will be used consistent with Office training.
- (f) A marked patrol unit will be present and visible during the search warrant service, so that bystanders will know this is a legitimate Police Operation.

608.9 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

608.10 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

608.10.1 UTAH NOTIFICATIONS REGARDING USE OF IMAGING SURVEILLANCE DEVICE

When an imaging surveillance device is used during the service of a warrant, notification shall be made to the person who owns or otherwise resides at the location specified in the warrant within 14 days unless a court-ordered extension has been granted (Utah Code 77-23d-104).

608.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- (a) Identity of team members

Arrest and Search Warrant Service

- (b) Roles and responsibilities
- (c) Familiarity with equipment
- (d) Rules of engagement
- (e) Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the CCPD are utilized appropriately. Any concerns regarding the requested use of CCPD members should be brought to the attention of the Marshal or his designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Supervisor should assume this role.

If deputies intend to serve a warrant outside CCPD jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the CCPD when assisting outside agencies or serving a warrant outside CCPD jurisdiction.

608.12 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Marshal. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.13 TRAINING

The Training Coordinator Shall ensure deputies receive annual training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Operations Planning and Deconfliction

609.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk/low-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

609.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

609.1.2 UTAH DEFINITIONS

Deconfliction - A centralized process that allows for the collection of operations and case information and that provides alerts to enhance safety and avoid duplication or conflict of operations.

Reportable incident - When law enforcement officers use forcible entry to serve a search warrant, or when a special unit that is specifically trained and equipped to respond to critical, high-risk situations within either the Department or an assisting department is deployed (Utah Code 77-7-8.5).

609.2 POLICY

It is the policy of the CCPD to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

609.3 OPERATIONS SUPERVISOR

The Marshal will designate a member of this office to be the operations supervisor.

The operations supervisor will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations supervisor will review risk assessment forms with the Marshal to determine whether a particular incident qualifies as a high-risk operation. The supervisor will also have the responsibility for coordinating operations that are categorized as high risk.

Operations Planning and Deconfliction

609.4 UTAH REPORTING REQUIREMENTS

A report shall be prepared for all reportable incidents in the format developed by the Commission on Criminal and Juvenile Justice (CCJJ), as required by Utah Code 77-7-8.5. This report including all reportable incidents which occurred in the prior year shall be submitted to the Marshal by February 1st of each year.

Reportable incidents include [CRU] deployments for situations other than warrant service, such as hostage or barricaded subjects. This information should be obtained from the operations supervisor.

The Marshal shall review and approve the report and ensure that it is forwarded to the CCJJ and the designated recipient for the City no later than April 30.

609.5 RISK ASSESSMENT

609.5.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

Operations Planning and Deconfliction

- (h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

609.5.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the Marshal.

The supervisor and Marshal shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

609.5.3 HIGH-RISK OPERATIONS

If the operations supervisor, after consultation with the Marshal, determines that the operation is high risk, the Marshal or supervisor should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - (a) Outside agency Special Weapons and Tactics Team (SWAT)
 - (b) Additional personnel
 - (c) Special equipment
 - (d) Medical personnel
 - (e) Persons trained in negotiation
 - (f) Additional surveillance
 - (g) Canines
 - (h) Evidence Room or analytical personnel to assist with cataloging seizures
 - (i) Outside agency Forensic specialists
 - (j) Specialized mapping for larger or complex locations
- (b) Contact the appropriate office members or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

609.6 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is

Operations Planning and Deconfliction

reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

609.7 OPERATIONS PLAN

The operations supervisor should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 - 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 - 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
 - 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
 - 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

Operations Planning and Deconfliction

- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

609.7.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

609.8 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations supervisor shall ensure that all participants are visually identifiable as law enforcement officers.
 - (a) Exceptions may be made by the operations supervisor for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - (a) It is the responsibility of the operations supervisor to ensure that the Dispatch Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.
 - (b) If the radio channel needs to be monitored by the Dispatch Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

Operations Planning and Deconfliction

- (c) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

609.9 SWAT PARTICIPATION

If the Marshal or supervisor determines that SWAT participation is appropriate, the Marshal will contact and request the County SWAT team to respond.

609.10 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Marshal. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

609.11 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

609.12 TRAINING

The Training Coordinator should ensure deputies and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Pawn Shop Holds

610.1 PURPOSE AND SCOPE

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

610.2 POLICY

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

610.3 PROCEDURE

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

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

- (a) When seizure is necessary to permit the fingerprinting or chemical testing of the item.
- (b) If the item contains unique or sensitive personal identifying information. A written hold or seizure notice shall be provided and shall include:
 - (c) An active case number.
 - (d) The date of the hold or seizure request and the article to be held or seized.
 - (e) Notice to the pawnbroker or secondhand business of contact information to allow tracking of the article when the prosecuting agency takes over the case.
- (f) If the article is seized, the reason the article is necessary during the course of a criminal investigation.

If the pawnbroker or secondhand business is located outside of the jurisdiction of this department, a copy of the hold notice shall be sent to the local law enforcement agency having jurisdiction (Utah Code 13-32a-109). An extension of the hold must be communicated in writing to the pawnbroker or secondhand business prior to the expiration of the initial 90-day hold (Utah Code 13-32a-109).

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

Pawn Shop Holds

- (a) The name, address and telephone number of the pawnbroker or secondhand business that reported the acquisition of the property or where the property is located.
- (b) The length of any holding period.

610.4 TERMINATION OF HOLD

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

- (a) Notify the pawnbroker or secondhand business in writing that the hold or seizure has been terminated.
- (b) Return the item to the pawnbroker or secondhand business, or advise the pawnbroker or secondhand business, either in writing or electronically, of the specific alternative disposition of the item.

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

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

610.5 TRAINING

The Training Coordinator should ensure that members receive annual training related to property held by pawn shops and secondhand businesses (Utah Code 13-32a-112(9)).

Chapter 7 - Equipment

Office-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Office employees are expected to properly care for Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Office property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Office, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF OFFICE PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Office property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any CCPD-issued property or equipment assigned for their use.
 1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the Marshal that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
 2. A review by the staff to determine whether misconduct or negligence was involved should be completed.
- (b) The use of damaged or unserviceable Office property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable Office property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Office property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Office property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) In the event that any Office property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

Office-Owned and Personal Property

700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Marshal. The employee should submit for approval the description of personal property the employee has requested to carry, the reason for its use and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties that is not a weapon are excluded from this requirement.

700.3.1 DEFINITIONS

Definitions related to this policy include:

Personal Property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the Marshal that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Marshal, who will then forward the claim to the Finance Department.

The Office will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

Office-Owned and Personal Property

- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the Town of Colorado City or Hildale, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the Marshal.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The CCPD allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, deputies are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 OFFICE-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Office-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Marshal. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Personal Communication Devices

Unless a member is expressly authorized by the Marshal for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any office business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Marshal.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Office, without the express authorization of the Marshal or his designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Office to access the PCD to inspect and copy data to meet the needs of the Office, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the CCPD and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in office business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation.

Personal Communication Devices

Members who independently document off-duty office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (c) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (d) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means, without the express authorization of the Marshal or his designee, may result in discipline.
- (e) Members will not access social networking sites for any purpose that is not official office business.
- (f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Marshal.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Deputies operating emergency vehicles should restrict

Personal Communication Devices

the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ARS § 28-914). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other office communications network.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Office vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

(If an employee is assigned a take home vehicle, it is that employees responsibility to make sure that the oil is changed, tires are rotated, and the brakes are checked every 5000 miles, and all other routine maintenance items are done at the required time and intervals established by the Marshal).

702.2 DEFECTIVE VEHICLES

When a Office vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation, should be removed from service and subjected to a safety inspection as soon as reasonably possible.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

702.3.1 PATROL VEHICLE

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that it the following equipment at minimum, is present in the vehicle:

- (a) Road Flares
- (b) Yellow marking paint or chalk sticks
- (c) Crime scene barricade tape
- (d) First aid kit, CPR mask
- (e) Blanket

Vehicle Maintenance

- (f) Fire extinguisher
- (g) Blood borne pathogen kit, with protective gloves and respirator mask mask
- (h) Sharps container
- (i) Hazardous waste response book and disposal bag
- (j) Traffic safety vest
- (k) Evidence collection kit
- (l) Camera

702.3.2 UNMARKED VEHICLES

The same equipment list for a marked vehicle in 702.3.1, will be required for an unmarked vehicle.

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the Town of Colorado City to provide assigned take-home vehicles.

703.2 POLICY

The CCPD provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this office should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All office vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.2 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

Vehicle Use

703.3.3 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify his Supervisor and the Dispatch Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.4 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Marshal, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Supervisor approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.5 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.6 AUTHORIZED PASSENGERS

Members operating office vehicles shall not permit persons other than Town personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.7 ALCOHOL

Members who have consumed alcohol are prohibited from operating any office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.8 PARKING

Except when responding to an emergency or when urgent office-related business requires otherwise, members driving office vehicles should obey all parking regulations at all times.

Vehicle Use

703.3.9 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Marshal.

703.3.10 CIVILIAN MEMBER USE

Prior to a civilian member using a marked emergency vehicle a supervisor or deputy shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any office vehicle.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Office vehicles may be assigned to individual members at the discretion of the Marshal. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

Deputies who are assigned vehicles on a 24-hour a day basis must arrange with their supervisor for the vehicle to be available for use by others when the officer is unavailable for duty.

Deputies who are assigned vehicles on a 24-hour a day basis may use the vehicle for personal use to maintain a high community profile and be able to respond quickly to critical incidents if needed.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other office members at the discretion of the Marshal or his designee.

703.4.2 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the Town of Colorado City is a prime consideration for assignment of a take-home vehicle. Members who reside outside the Town of Colorado City may be required to secure the vehicle at a designated location or the Office at the discretion of the Marshal.

Office members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a Town vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

Vehicle Use

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Marshal or a Supervisor gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Marshal or Supervisors and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Marshal or Supervisors.
 - 4. When the vehicle is being used by the Marshal, Supervisors or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All office identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Marshal or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate office facility, at the discretion of the Office when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Office shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Office.

Vehicle Use

- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the CCPD or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their office-issued identification. Deputies should also ensure that office radio communication capabilities are maintained to the extent feasible.

703.4.4 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Office. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the office supervisor in charge of vehicle maintenance.
- (d) The Office shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 ATTIRE AND APPEARANCE

When operating any office vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Office.

703.5 DAMAGE, ABUSE AND MISUSE

When any office vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Response and Reporting Policy).

Vehicle Use

Damage to any office vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Office as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory protection equipment does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The CCPD endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 DEPUTY RESPONSIBILITIES

Deputies are required to use PPE as provided in this policy and pursuant to their training.

Deputies are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any deputy who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by deputies during firearms training.

Hearing protection shall meet or exceed the requirements provided in AAC § R20-5-602 and 29 CFR 1910.95, UAC R614-1-4).

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for deputies who wear prescription lenses shall incorporate the prescription

Personal Protective Equipment

(e.g., eye protection that can be worn over prescription lenses). Deputies shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Range master shall ensure eye protection meets or exceeds the requirements provided in AAC § R20-5-602 and 29 CFR 1910.133 and UAC R614-1-4).

705.6 RESPIRATORY PROTECTION

The Marshal or his designee is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; UAC R614-1-4), AAC § R20-5-602):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.6.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; UAC R614-1-4), AAC § R20-5-602):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

Personal Protective Equipment

- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the face piece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

705.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; UAC R614-1-4), AAC § R20-5-602):

- (a) Ensure that they have no facial hair between the sealing surface of the face piece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-face piece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the face piece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their face piece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.6.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; UAC R614-1-4); AAC § R20-5-602):

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

705.6.4 SELF-CONTAINED BREATHING APPARATUS

The CCMO does not currently use SCBA's.

Personal Protective Equipment

705.6.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; UAC R614-1-4); AAC § R20-5-602).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; UAC R614.1-4); AAC § R20-5-602):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of face piece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the face piece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.6.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; UAC R614-1-4); AAC § R20-5-602):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.7 RECORDS

The Training Coordinator is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
- (e) These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the office records retention schedule, AAC § R20-5-602; UAC R614-1-12, and 29 CFR 1910.1020.

705.8 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; UAC R614-1-4); AAC § R20-5-602).

CCPD

Colorado City/Hildale PD Policy Manual

Personal Protective Equipment

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; UAC R614-1-4); AAC § R20-5-602).

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current useful information to aid operational personnel in meeting its 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 Office's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities. Currently the CCMO does not have the resources to do in depth Crime Analysis.

Communication/Dispatch Center

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Dispatch Center. It addresses the immediate information needs of the CCMO in the course of its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the CCPD to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Office provides two-way radio capability for continuous communication between the Dispatch Center and CCMO members in the field.

801.3 THE DISPATCH CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Dispatch Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Dispatch Center.

Access to the Dispatch Center shall be limited to the Dispatch Center members, and the Marshal or his designee.

801.4 RESPONSIBILITIES

801.4.1 COMMUNICATIONS MANAGER

The Marshal shall appoint and delegate certain responsibilities to a Communications Manager. The Communications Manager is directly responsible to the Marshal or his authorized designee.

The responsibilities of the Communications Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Dispatch Center 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.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Dispatch Center information for release.
- (f) Maintaining the Dispatch Center database systems.
- (g) Ensuring the Dispatch Center compliance with established policies and procedures.

Communication/Dispatch Center

- (h) Handling internal and external inquiries regarding services provided. (accepting personnel complaints will be done in accordance with the CCMO Personnel Complaints Policy).
- (i) Maintaining a current contact list of Town personnel to be notified in the event of a utility service emergency.

801.4.2 ADDITIONAL PROCEDURES

The Communications Manager working with the Marshal 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., Supervisor 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.
- (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 the Dispatch Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

801.4.3 DISPATCHERS

Dispatchers report to the Communications Manager and supervisors. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 4. Radio communications with members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).

Communication/Dispatch Center

5. Other electronic sources of office information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of office members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through the Dispatch Center, office and other law enforcement database systems (e.g., the Arizona and Utah Criminal Justice Information System (ACJIS/UCJIS), Arizona and Utah Department of Transportation (ADOT/UDOT) records and Arizona Law Enforcement Telecommunications System (ALETS/NLETS).
- (d) Monitoring CCMO 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 Supervisor of emergency activity, including, but not limited to:
 - (a) Vehicle pursuits.
 - (b) Foot pursuits.
 - (c) Assignment of emergency response.
 - (d) Notification directly to the Marshal if a deputy is dispatched to a call beyond mile 8 on Hwy 89 or mile 17 on SR-59.

801.5 CALL HANDLING

This office 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?

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 the Dispatch Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

Communication/Dispatch Center

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 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding office members and affected individuals.

Emergency calls should be dispatched immediately. The Supervisor shall be notified of pending emergency calls for service when CCMO members are unavailable for dispatch.

801.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

801.6 RADIO COMMUNICATIONS

The CCMO radio system is for official use only, to be used by dispatchers to communicate with CCMO 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.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the Marshal or his designee and processed as outlined in the CCMO complaint policy.

801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

CCPD radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

Communication/Dispatch Center

801.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to CCMO members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the CCMO member by his/her call sign. CCMO members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate CCMO member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the station name or number.

801.7 DOCUMENTATION

It shall be the responsibility of the Dispatch Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the CCMO member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

801.8 RESTRICTED ACCESS AND USE

Terminal/MDT use is subject to the Information Technology Use and Protected Information Policies/Directives.

Members shall not access the Terminal/MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors.

Use of the Terminal/MDT to access law enforcement databases or transmit messages is restricted to official business, administration or practices of the office (Inquiries for personal use are

Communication/Dispatch Center

prohibited). In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval for his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the Terminal/MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log into the Terminal/MDT system unless directed to do so by a supervisor. Members are required to log off the Terminal/MDT or secure the Terminal/MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any office technology system.

801.9 CONFIDENTIALITY

Information that becomes available through the Dispatch Center may be confidential or sensitive in nature. All members of the Dispatch Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as ADOT/UDOT records, warrants, criminal history information, records of internal deputy files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information (when time/safety permits, a landline call with the deputy should be established to make them aware of confidential information) via the radio, an admonishment shall be made that confidential information is about to be broadcast.

Evidence Room

803.1 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 evidence and those persons authorized to remove and/or destroy property. Property belonging to persons in custody should be handled pursuant to policies guiding Temporary Custody of Juveniles, Temporary Custody of Adults and jail operations, and the procedures for each facility or operation.

803.1.1 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property necessitating custody by the Office. The evidence technician reports to the Marshal or his designee and is responsible for the security of the Evidence Room. Evidence Room keys are maintained only by the evidence technician and the Marshal or his designee. An additional key is in a sealed and initialed envelope maintained in the safe in the Marshal's office. The evidence technician and the Marshal or his designee shall not loan Evidence Room keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence Room other than the evidence technician must be accompanied by the evidence technician or the Marshal or his designee and must sign in and out on the log book giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

803.2 DEFINITIONS

Definitions related to this policy include (ARS § 12-940):

Property - Includes items taken or recovered in the course of an investigation, including photographs and latent fingerprints, that are held for use in a judicial or administrative proceeding.

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 - Storage of property, other than evidence, having any value and that belongs to a known individual.

Found property - Property turned over to the Department where the owner may or may not be known and that has no apparent evidentiary value.

803.3 PROPERTY HANDLING

Any member who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the

Evidence Room

Office. A copy of the property receipt form shall be given to the individual from whom the property was taken (ARS § 12-944).

Any property seized by a deputy with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence. Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court.

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item.

803.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the deputy going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b) The deputy shall mark each item of evidence with initials and date.
- (c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
- (d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (e) Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.
- (f) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.
- (g) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any office supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property form placed into a numbered property locker indicating the location of the property.

803.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately using a separate property record. Drug paraphernalia shall also be booked separately.

The deputy seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied by two copies of the form for the Records Section and investigators. The original will be detached and submitted with the case report.

Evidence Room

803.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify the immediate supervisor. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in or around the office. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The evidence technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

803.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the evidence technician or placed in the designated container for return to the Arizona/Utah Department of Transportation's Driver and Vehicle Services. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. 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 a evidence technician can log the property.
- (d) All cash shall be counted in the presence of another deputy and the envelope initialed by both deputies. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.
- (e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property form.
- (f) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

Town property, unless connected to a known criminal case, should be released directly to the appropriate Town 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.

Evidence Room

803.3.5 UTAH FIREARMS SAFE HARBOR ACT

Deputies shall accept a firearm for safekeeping from any owner cohabitant who requests it, and who believes that another cohabitant is an immediate threat to him/herself, to the owner cohabitant or any other person (Utah Code 53-5c-201).

The deputy receiving the firearm shall

- (a) Record the owner cohabitant's name, address and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for safekeeping.
- (d) Obtain a signed declaration that the owner cohabitant has an ownership interest in the firearm.

The person 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.

The evidence technician 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 owner cohabitant. At the expiration of this time or upon request by the owner cohabitant, the firearm shall be returned to the owner cohabitant or other person authorized by law. If the person who committed the firearm for safekeeping cannot be located, the office may, after one year, appropriate for public use, sell or destroy the firearm as provided in the Utah Firearms Safe Harbor Act (Utah Code 53-5c-202).

If a firearm received under the Act is determined to be illegal to possess or to own, the evidence technician shall confiscate and book the firearm according to current procedures, and notify the person who requested that the firearm be taken for safekeeping of its confiscation (Utah Code 53-5c-202).

The evidence technician shall destroy any record created exclusively to document the safekeeping of the firearm within five days of releasing the firearm to the owner cohabitant or other authorized person, or of otherwise disposing of the firearm under the Utah Firearms Safe Harbor Act (Utah Code 53-5c-202).

803.4 PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).
- (c) Property with more than one known owner.
- (d) Drug paraphernalia.
- (e) Fireworks.
- (f) Contraband.
- (g) Biohazards.

Evidence Room

803.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances in a suitable container that is appropriate for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

803.4.2 PACKAGING CONTROLLED SUBSTANCES

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated drug locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the results of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size, available in the report room. The booking deputy shall initial the sealed envelope and the initials covered with cellophane tape. Controlled substances shall not be packaged with other property.

The booking deputy shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property form. After packaging and sealing as required, the entire package will be weighed and the Gross Package Weight (GPW) will be written on the outside of the package, initialed and dated by the packaging deputy.

The GPW will be verified every time the package is checked in or out of the Evidence Room and any discrepancies noted on the outside of the package. Any change in weight should be immediately reported to the Marshal.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

803.4.3 RIGHT OF REFUSAL

The evidence technician has the right to refuse any piece of property that is not properly documented or packaged. Should the evidence technician refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting deputy.

803.5 RECORDING OF PROPERTY

The evidence technician receiving custody of evidence or property shall create a property control card for each piece of property received. The property control card will be the permanent record of the property in the Evidence Room. The evidence technician will record his/her signature, GPW if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored on the property control card.

Evidence Room

A property logbook shall be maintained and a unique property number created for each piece of property received. The logbook shall record by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the CCPD shall be noted in the property logbook.

803.6 PROPERTY CONTROL

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information on the property control card. Deputies desiring property for court shall contact the evidence technician at least one day prior to the court day.

803.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or investigator.

Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the evidence technician. This request may be filled out any time after booking of the property or evidence.

803.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The evidence technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

803.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom it was released.

The evidence technician shall obtain the signature of the person to whom property was released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to the Evidence Room or released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time and the person who returned the property.

Evidence Room

803.6.4 AUTHORITY TO RELEASE PROPERTY

The evidence technician shall not release any property without a signed authorization from an appropriate authorized member of the Office. The Marshal or his designee shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

For property in custody of the Office for investigatory or prosecutorial purposes and owned by a victim or witness, a evidence technician shall, upon the request of the owner:

- (a) Provide a list describing the property unless such release would seriously impede an investigation.
- (b) Return the property expeditiously unless the property is required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property.

803.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the Marshal or his designee and must conform to the items listed on the property form or must specify the specific item to be released.

A evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the Evidence Room.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

803.6.6 UTAH RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the Marshal or his designee and must conform to the items listed on the Property Form or must specify the specific item(s) to be released. Release of all property shall be documented on the Property Form.

With the exception of property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying

Evidence Room

information is available. 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 77-24a-5):

- (a) Publish at least one notice (giving a general description of the property and the date of intended disposition) of the intent to dispose of the unclaimed property in a newspaper of general circulation within the county.
- (b) Post a similar notice in a public place designated for notice within the law enforcement agency.
- (c) Post a similar notice on the City public website of the CCMO. The final disposition of all such property shall be fully documented in related reports.

The evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release form has been received. A signature of the person receiving the property shall be recorded on the original Property Form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the Evidence Room. Upon release, the proper entry shall be documented in the Property Log Form.

803.6.7 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this office shall be restored to the owner (ARS § 13-3941). Such property may be released from law enforcement custody when the following are satisfied:

- (a) Photographs of the property are filed and retained by the Evidence Room.
- (b) Satisfactory proof of ownership of the property is shown by the owner.
- (c) A declaration of ownership is signed under penalty of perjury.
- (d) A receipt for the property is obtained from the owner upon delivery.

If stolen or embezzled property is not claimed by the owner within six months after the conviction of the person for such theft or embezzlement, the property shall be disposed of as specified in ARS § 13-3942.

803.6.8 DISPUTED CLAIMS TO PROPERTY

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

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Office may be asked to file an interpleader in court to resolve the disputed claim.

Evidence Room

803.6.9 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 or ARS § 13-3101.

If a firearm is seized for safekeeping at a domestic violence incident under ARS § 13-3601, it may not be released for at least 72 hours or longer if the prosecutor files a notice of intent to retain or if ordered by a court. Prior to release, the Evidence Room shall inform the handling investigator that a request to release the firearm has been received. The handling investigator shall, as soon as is reasonably possible, notify the victim of the request. Once the victim has been notified, the investigator will contact the Evidence Room to clear the firearm for release.

The Office shall make best efforts for a period of 30 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal consistent with this policy.

803.6.10 RELEASE OF PROPERTY SEIZED PURSUANT TO A WARRANT

All property seized pursuant to a warrant, except disputed property as described in ARS §13-3922, shall be returned to the owner, if known, within 10 business days after seizure, unless (ARS § 13-3920):

- (a) The property seized is sought to be used as evidence.
- (b) It is illegal for the owner to possess the property.
- (c) The owner has been arrested and charged with a criminal offense subject to forfeiture, in which case the property may be returned in accordance with Arizona forfeiture laws.

803.7 DISPOSITION OF PROPERTY

All property not held for evidence and held for a minimum of 30 days may be disposed of as follows:

- (a) Property having a value of \$150 or more and whose owner is not known requires posting or publication of a notice in the local print media prior to disposal (ARS § 12-944). If, 30 days after notice has been posted or published, the owner or person entitled to the property has not appeared, the property shall be disposed of pursuant to ARS § 12-945.
- (b) If the property is a firearm, it shall be disposed of pursuant to ARS § 12-945.
- (c) Found property may be returned to the person who found and turned it in as provided in ARS § 12-941.

803.7.1 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

Evidence Room

- Animals, birds and equipment related to their care and containment 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
- Controlled substances
- Unclaimed, stolen or embezzled property
- Destructive devices

803.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after 30 days or after final disposition of the case, the money is presumed abandoned property and may be disposed as specified in ARS § 12-942.

803.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence Room technician shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Marshal or his designee

Biological evidence shall be retained for a minimum period established by law (ARS § 13-4221), the Evidence Room technician or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, 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 the Office 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 Marshal.

All biological evidence related to a homicide or a felony sexual offense that remains unsolved for one year or more after being reported shall be kept for 55 years, even when there are no viable or unexplored investigatory leads (ARS § 13-4221).

Biological evidence related to any homicide may only be destroyed with the written approval of the Marshal and the head of the applicable prosecutor's office.

Evidence Room

The Evidence Room technician must ensure that all biological samples are retained in a condition suitable for DNA testing. The Evidence Room technician may dispose of bulk evidence and retain probative samples of biological evidence using procedures that do not affect the suitability of the sample for DNA testing. Prior to disposing of any bulk evidence, the Evidence Room technician shall obtain approval from the county attorney or Attorney General and make reasonable efforts to provide written notice to the victim (ARS § 13-4221).

803.7.4 UTAH UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after nine days of being posted, as described in RELEASE OF PROPERTY, the office 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 77-24a-5(2)(a)).

803.8 INSPECTIONS OF THE EVIDENCE ROOM

On a quarterly basis, the Marshal or his designee shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Marshal.
- (b) An annual audit of evidence held by the Office shall be conducted by the Marshal's designee who is not routinely or directly connected with evidence control, as assigned by the Marshal.
- (c) Whenever a change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property shall be made by an individual not associated with the Evidence Room or function to ensure that records are correct and all evidence property is accounted for.

803.8.1 UTAH PROPERTY NO LONGER NEEDED AS EVIDENCE

When a prosecuting attorney notifies the Office that evidence may be returned to the rightful owner, the evidence room technician shall attempt to notify the rightful owner that the property is available for return (Utah Code 24-3-103). Prior to the release of the property, the owner shall provide:

- (a) Documentation establishing ownership of the property.
- (b) Documentation that the owner may lawfully possess the property.

When the property is returned, a receipt listing the detail of the property shall be signed by the owner and retained by the office. A copy of the receipt shall be provided to the owner.

Records Section

804.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the CCPD Records Section. The policy addresses office file access and internal requests for case reports.

804.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 10-00001 would be the first new case beginning January 1, 2010, or another consistent numbering system that specifically identifies the year and case number.

804.2 POLICY

It is the policy of the CCPD to maintain office records securely, professionally and efficiently.

804.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Marshal or his designee. All original reports removed from the Records Section shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

804.3 RESPONSIBILITIES

804.3.1 RECORDS MANAGER

The Marshal shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Administration Supervisor or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training, and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

Records Section

- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 - 1. Homicides.
 - 2. Cases involving office members or public officials.
 - 3. Any case where restricted access is prudent.

804.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Office with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Providing the required data regarding sexual assault kits to the Department of Public Safety (DPS) as prescribed by DPS on or before Aug. 30 of each year (ARS § 13-1427). (Arizona and Utah DPS).
- (h) Providing the Arizona Department of Health Services (DHS) the required report for a suspected opioid overdose within five business days after a member's response to the call (AAC § R9-4-602).
- (i) Providing records related to a drug overdose fatality as required by ARS § 36-198 and ARS § 36-198.01.
- (j) Filing a certificate of service with the court for an emergency order of protection for domestic violence and registering the order with the national crime information center as required by ARS § 13-3624(F).
- (k) Reporting use of force incident data as required by the Arizona Criminal Justice Commission (ARS § 38-1118).

804.4 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any

Records Section

other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

Records Maintenance and Release

805.1 PURPOSE AND SCOPE

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

805.2 POLICY

The CCPD is committed to providing public access to records in a manner that is consistent with the Arizona Public Records Law (ARS § 39-121 et seq.) and the Utah Government Records Access and Management Act (GRAMA) (Utah Code 63G-2-101 et seq.).

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Marshal shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ARS § 39-121.01; ARS § 41-151.14; ARS § 39-171):

- (a) Managing the records management system for the Office, including the security, preservation, retention, archiving, release, and destruction of office public records.
- (b) Maintaining and updating the office records retention schedule including:
 - 1. Identifying the minimum length of time the Office must keep records.
 - 2. Identifying the office section responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available.
- (g) Acting as the coordinator and liaison with the Arizona State Library in the management of the office records.
- (h) Ensuring that the name, telephone number, and email address for the Custodian of Records is published on the office website.

805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

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

805.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ARS § 39-121.01; ARS § 39-171):

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

Records Maintenance and Release

- (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. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-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) A requester may request to examine or be furnished copies, printouts, or photographs during regular business hours or request that copies of records be mailed unless otherwise available on the office website.
 - 1. When records are requested to be mailed, the requester shall pay in advance any copying and postage charges.
- (d) An acknowledgement of a records request shall be provided to the requester within five days of receipt.
- (e) Records shall be provided to a requester promptly and fees charged as allowed by law.
 - 1. Crime victims, a victim's attorney, or family of deceased or incapacitated victims are entitled, upon request, a copy of the police report at no charge for certain crimes under ARS § 39-127.
- (f) If a request is denied, the requester should be provided a written denial and the reason for the denial.
- (g) Access to a public record is deemed denied if the Custodian of Records fails to promptly respond to a request for production of a public record.

805.4.2 UTAH REQUESTS FOR RECORDS

The processing of requests for Utah records is the same as listed in 804.4.1 above. The following codes apply:

- (a) (Utah Code 63G-2-204) (Utah Code 63G-2-205).

805.5 APPEALS

The denial of a request for records by the Records Manager may be appealed to the Marshal. Upon receipt of a notice to appeal, the Marshal must review and make a determination within five business days. If a determination is not made within the specified time frame, the appeal shall be considered denied. If the Marshal affirms the denial, notice shall be sent to the requester informing him/her of the right to appeal the denial to the records committee, district court (or local appeals board, if established), the time limits for filing such appeal, and the contact information of the executive secretary of the records committee or local appeals board.

805.6 RELEASE RESTRICTIONS

Examples of release restrictions include:

Records Maintenance and Release

- (a) 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 office record, including traffic accident reports, are restricted except as authorized by the Office, 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; ARS § 28-667).
- (b) Member home address and home telephone number (ARS § 39-123).
- (c) A photograph of a deputy when (ARS § 39-123):
 - (a) Working in an undercover capacity or scheduled to be serving in an undercover capacity within 60 days.
 - (b) The release is not in the best interest of the state after taking into consideration the privacy, confidentiality and safety of the deputy.
 - (c) An order pursuant to ARS § 28-454 is in effect (records maintained by the Arizona Department of Transportation).
- (d) Limited information in member disciplinary records (ARS § 39-128).
- (e) Victim and witness identifying information, including date of birth, Social Security number, driver license number, address, telephone number, email address, place of employment and the name of a minor victim (ARS § 8-413; ARS § 13-4434; ARS § 39-123.01).
- (f) Ongoing investigation materials only where release would hinder an investigation or interfere with official duties.
- (g) Automated license plate reader (ALPR) data.
- (h) Imaging surveillance data.
- (i) Certain types of reports involving, but not limited to, child abuse, neglect, and molestation (ARS § 13-3620).
- (j) Arrests or booking reports for the commercial purpose of soliciting legal services (ARS § 39-121.03).
- (k) Any other information that may be appropriately denied by Arizona and Utah law.

805.6.1 UTAH RELEASE RESTRICTIONS

Examples of release restrictions include, but are not limited to:

- (a) 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).

Records Maintenance and Release

- (c) Personnel records (Utah Code 63G-2-302; Utah Code 63G-2-303).
 - 1. Specific personnel information related to undercover deputies 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 office (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 62A-4a-412).
- (i) Any other information that may be appropriately denied by:
 - 1. Utah Code 63G-2-302 (private records).
 - 2. Utah Code 63G-2-303 (private information of government employees).
 - 3. Utah Code 63G-2-304 (controlled records).
 - 4. Utah Code 63G-2-305 (protected records).

805.7 SUBPOENAS AND DISCOVERY REQUESTS

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

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

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

805.8 RELEASED RECORDS TO BE MARKED

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

Each audio/video recording released should include the office name and to whom the record was released.

Records Maintenance and Release

805.9 SET ASIDE ORDERS

Orders to set aside records received by the Office shall be reviewed for appropriate action by the Records Manager. The Records Manager shall set aside such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once the record is set aside, members shall not release copies or provide access to such records except by court order (ARS § 13-4051).

805.10 SECURITY BREACHES

Members who become aware that any CCPD system containing personal information may have been breached should notify the Records Manager as soon as practicable.

The Records Manager shall ensure notice is given as provided in ARS § 18-552 to any person whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person and notice to any other required entity if the breach involves more than 1000 individuals (ARS § 18-552).

Notice shall be given within 45 days subject to the needs of a law enforcement investigation. Notice may be delayed if notification will impede a criminal investigation, but shall be made within 45 days once there is a determination that the investigation will not be compromised (ARS § 18-552).

For the purposes of the notice requirement, personal information means (ARS § 18-551):

- (a) An individual's first name or first initial and last name in combination with any one or more of the following:
 1. Social Security number
 2. Arizona driver license number or non-operating identification license
 3. A private key that is unique to an individual and that is used to authenticate or sign an electronic record
 4. Financial account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
 5. Individual's health insurance identification number
 6. Information about an individual's medical or mental health treatment or diagnosis by a health care professional
 7. Individual's passport number
 8. Individual's taxpayer identification number or an identity protection personal identification number
 9. Unique biometric data generated from a measurement or analysis of human body characteristics to authenticate an individual when the individual accesses an online account
- (b) An individual's username or email address in combination with a password or security question and answer, that allows access to an online account.

Records Maintenance and Release

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Manager should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

805.11 EXPUNGEMENT

Expungement orders received by the Office shall be reviewed for appropriate action by the Records Manager. The Records Manager 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.

805.12 TRAINING

The Records Manager shall, on a annual basis, successfully complete an online records management training course provided by the Utah Department of Administrative Services' Division of Archives and Records Service.

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 CCPD and Communications Center. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

ACJIS: Arizona Criminal Justice Information Center

Authorized Personnel: Personnel with access to CJI must be screened according to the personnel security guidelines

BCI: Bureau of Criminal Identification

CJI: Criminal Justice Information

CSA: Criminal State Agency

CSO: CJI security officer

SSO: System security officer appointed by the Marshal

TAC: Terminal Agency Coordinator appointed by the Marshal for the Office

Visitors: All visitors to the secure area will be accompanied and monitored by authorized personnel at all times

Protected Information: Any information or data that is collected, stored or accessed by members of the CCMO and is subject to any access or release restrictions imposed by law, regulation, order or use agreement, This includes all information contained in federal, state or local law enforcement data basis that is not accessible to the public

806.2 POLICY

Members of the CCPD will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 RESPONSIBILITIES

The Marshal shall select a member of the Office to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to (ARS § 41-1750; AAC § R13-1-201):

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information

Protected Information

Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), the Arizona Criminal Justice Information System (ACJIS), Arizona Department of Transportation (ADOT) records, and Arizona Law Enforcement Telecommunications System (ALETS).

- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, CCPD policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution (ARS § 41-1756).

806.5 PERSONNEL SECURITY

Thorough background screening of personnel by the employing agency is required. State and national finger-print based record checks must be conducted for terminal operators, programmers, and other persons who have access to or initiate transmission of CJI.

The SSO/TAC must conduct background investigation on all terminal operators, including submitting complete application fingerprints to the FBI through the CSA, check, fugitive, state, and national arrest files.

If a criminal record of any kind is found, access may be denied pending review of arrest, conviction, and fugitive record status by the Marshal and state CSO. Users who already have access to CJI and have subsequently been arrested or convicted must obtain a waiver from the CSO for continued access.

Protected Information

806.5.1 PHYSICAL PROTECTION

A physically secure location is a facility, a criminal justice conveyance, or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect CJI and associated information systems.

SSO/TAC shall develop and keep current a list of personnel with authorized access to the physically secure location. and control all physical access points and shall verify individual access authorizations before granting access. They will also monitor physical access to detect and respond to physical security incidents. All information system devices shall be controlled for physical access within the secure location and be positioned to prevent unauthorized individuals from accessing and viewing CJI.

806.5.2 MEDIA PROTECTION

The agency shall securely store digital and physical media within physically secure locations or controlled areas. The agency shall restrict access to digital and physical media to authorized individuals. If physical and personnel restrictions are not feasible then the data shall be encrypted.

806.5.3 TRANSPORTATION

To ensure the security of media containing CJI that is going to be transported, the authorized personnel shall maintain physical control of the media outside the physically secure locations. Media containing CJI shall be encrypted when possible.

806.5.4 DISPOSAL

Digital media must be overwritten at least three times or degaussed prior to disposal or release. Inoperable digital media shall be destroyed (cut up or shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media.

Physical media shall be securely disposed of when no longer required. Physical media shall be destroyed by shredding or incineration.

806.5.5 REMOVABLE DEVICES

CJI may temporarily be stored on agency owned removable devices (e.g. USB flash drive, etc.) and shall remain within the physically secure location.

CJI shall not be transferred to or stored on personally owned devices.

806.6 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Protected Information

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

806.7 SECURITY OF PROTECTED INFORMATION

The Marshal will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include, but are not limited to (AAC § R13-1-201):

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Marshal and appropriate authorities.

806.7.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.7.2 DISCIPLINARY ACTION

Each operator must recognize his/her individual responsibility to protect the integrity of the CJIS files. Also each user within the agency must have a clear understanding of the General Orders and Guidelines governing system integrity and be willing to do their part in assuring CJIS information is used solely for criminal justice purposes. Any personal use of the information housed in CJIS or improper access or dissemination of the information can result in disciplinary action including termination if necessary. Additionally, the following will result in disciplinary action.

Protected Information

- (a) Failure on the part of an individual and/or agency to comply with the rules, regulations, General Orders and Guidelines referenced in this policy.
- (b) Misuse of any CJIS file.
- (c) Improper Dissemination of Information from CJIS.
- (d) Failure of the SSO / TAC to attend mandatory training sessions.
- (e) Failure to conduct thorough background screening on each operator issued a system logon ID.
- (f) Each Terminal Agency is responsible for the non-terminal agencies to which it provides CJIS information for criminal justice purposes.

Failure to provide adequate supervision and directions regarding the usage of CJIS information is cause for sanctions against both the terminal and non-terminal agency. Non-terminal agencies are held to the same standards articulated in this policy as terminal agencies.

806.7.3 PENALTIES FOR MISUSE OF RECORDS

Misuse of information received directly or indirectly from UCJIS can result in civil or criminal penalties per UCA 53-10-108. When a person discovers or becomes aware of any unauthorized use of records created or maintained by BCI, the agency administrator or the agency TAC must inform the Commissioner and the Director of BCI as per Utah Code Annotated 53-10-108.

806.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination (ARS § 41-1750(E)).

Animal Control

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

807.2 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of CCMO members and include the following:

- (a) All animal related matters.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during normal business hours.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.
- (d) Disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies (ARS § 11-1003; AAC § R9-6-502 et seq.).

807.3 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

807.4 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

807.4.1 INJURED WILDLIFE

Injured or deceased ranch animals or wildlife should be referred to the appropriate agency as listed by the Arizona/Utah Department of Game and Fish, the Bureau of Land Management or the Animal Services Division of the Arizona Department of Agriculture.

807.4.2 RESCUE OF ANIMALS IN VEHICLES

Members may use reasonable force to open a vehicle to rescue an animal if the animal is left confined and unattended in a vehicle and physical injury or death of the animal is likely to result (ARS § 13-2910). Members should:

- (a) Make a reasonable effort to locate the owner before entering the vehicle.

Animal Control

- (b) Take steps to minimize damage to the vehicle.
- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Office of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

807.5 UTAH INJURED WILDLIFE

Members encountering injured wildlife should contact the Utah Division of Wildlife Resources or one of the Division's authorized wildlife rehabilitators.

807.6 POLICY

It is the policy of the CCPD to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

807.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty of animals should be enforced, including but not limited to ARS § 13-2910 et seq. (cruelty to animals, animal fighting). Utah Code 76-9-301 et seq.

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.
- (c) Members who lawfully seize an animal shall comply with the notice requirements of ARS 13-4281.

807.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

807.9 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

Animal Control

807.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

807.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality of life issues.

807.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed.

Jeanne Clery Campus Security Act

809.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this office fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

809.2 POLICY

The CCPD encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any CCPD facility. Reports will be accepted anonymously, by phone or via e-mail or on the institution's website.

It is the policy of the CCPD to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the CCPD and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

809.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Marshal will:

- (a) Ensure that the CCPD establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 4. Notify the CCPD of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

Jeanne Clery Campus Security Act

5. Notify the CCPD of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
 - (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
 - (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
 - (e) Appoint a designee to develop educational programs to promote the awareness of rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including, but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designees shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
 - (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

809.4 RECORDS COLLECTION AND RETENTION

The Records Manager is responsible for maintaining CCPD statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 1. Murder
 2. Sex offenses, forcible or non-forcible
 3. Robbery
 4. Aggravated assault
 5. Burglary

Jeanne Clery Campus Security Act

6. Motor vehicle theft
 7. Manslaughter
 8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
 10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 42 USC § 13925(a); 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
1. On campus.
 2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus, residential or student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the CCPD (34 CFR 668.46(c)(3)).
- (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092 (f)(7)).

Jeanne Clery Campus Security Act

809.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the CCPD, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Office.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the deputy office or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 1. Disclosure of the information is prohibited by law.
 2. Disclosure would jeopardize the confidentiality of the victim.
 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

809.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Supervisor to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with the institution's procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 1. Crime statistics and the policies for preparing the crime statistics.

Jeanne Clery Campus Security Act

2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, and sexual assault and stalking awareness and prevention programs, including:
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Chapter 9 - Custody

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the CCPD facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

Transgender - Individuals whose gender identity is different from the sex assigned at birth.

Gender Identity - An individual's internal sense of gender, regardless of assigned sex at birth.

Transition process - The process of changing one's gender from that assigned at birth to be consistent with one's gender identity. This may include one or more of the following steps: telling family, friends, or coworkers; changing one's name and/or sex on legal documents; altering one's gender expression to conform with one's gender identity; and/or, for some people, using medical treatments such as electrolysis, hormone therapy and surgery.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

Search Protocol to be followed in all the following search situations listed in this policy:

Although conditions will vary, officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit.

Custodial Searches

- (a) Members of this office will strive to conduct searches with dignity, professionalism, courtesy, and respect.
- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage.
- (d) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to be searched. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines will be followed:
 - 1. Another deputy or a supervisor should witness the search.
 - 2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.
 - 3. When dealing with individuals that are transgender, deputies shall not make offensive statements about the person being searched, and not ask questions about the transgender process.
 - 4. Deputies shall address a transgender person by their preferred name.
 - 5. Whenever possible a transgender person should be searched by a deputy of the same gender that the person has identified with.
- (e) Deputies shall not use or rely on information known to be materially false or incorrect in establishing probable cause for the search.
- (f) Deputies shall not compromise their safety, or other officer's safety, in order to justify searches.
- (g) Deputies will conduct all searches in accordance with the office defensive tactics/ searching techniques taught in the police academy, and at least by-annually in office in-service training.

901.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

901.4 SEARCHES AT DEPUTY FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the CCPD facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custodial Searches

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred. Members will follow the property and evidence policy 802 with all found property, and/or, evidence. This policy outlines the proper process for identifying, storage, handling, recording, and records management of property.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Evidence Room Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another office member. The inventory should include the case number, date, time, member's CCPD identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The office member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope. Deputies will follow the Property and Evidence policy 802 in handling, storing and identifying all found property and evidence.

901.5 STRIP SEARCHES

No individual in temporary custody at any CCPD facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

Custodial Searches

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status.

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at CCPD facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Marshal or Supervisor on duty shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 1. The facts that led to the decision to perform a strip search.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the Marshal or Supervisor.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, recovered during the search.
 10. The facts upon which the member based his/her belief that the person searched was concealing a weapon or contraband.

Custodial Searches

- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the written authorization should be retained and made available upon request to the individual or the individual's authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with the Marshal or Supervisor on duty's authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Marshal or Supervisor authorization does not need to be in writing.

901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Marshal or Supervisor on duty and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search, in a private location designed for such process.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary office members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts (probable cause) that led to the decision to perform a physical body cavity search of the individual, to include what is being searched for, drugs/weapon.

Custodial Searches

2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The Marshal or Supervisor's written approval.
 4. A copy of the search warrant.
 5. The time, date and location of the search.
 6. The medical personnel present.
 7. The names, sex and roles of any office members present.
 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and should be made available to the individual who was searched or other authorized representative upon request.

901.7 TRAINING

The Training Coordinator shall ensure members have training annually that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
- (d) Proper procedures to request and conduct a Strip Search, to include who can and can not do the searches.
- (e) Proper procedures to request and conduct a Body Cavity Search, to include who can and can not do the searches.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for law enforcement officer recruiting efforts and identifies job-related standards for the selection process. This policy supplements the rules that govern employment practices for the CCPD and that are promulgated and maintained by the Humane Resource office. Deputies of this office are required to know and understand the laws and ordinances for both Arizona and Utah, as this office provides public safety services in both states.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the CCPD provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Marshal or his designee shall employ a comprehensive recruitment and selection strategy to recruit and select law enforcement officer candidates from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Identification of racially and culturally diverse target markets, to include those who reside outside the Colorado City and Hildale communities
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive office website and the use of office-managed social networking sites
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military
- (e) Employee referral and recruitment programs
- (f) Consideration of shared or collaborative regional testing processes

The Office shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

Recruitment and Selection

The Office shall strive to facilitate and expedite the screening and testing process, and shall inform each candidate of his/her status once the position has been filled.

1000.4 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates that have distinguished themselves as being outstanding prospects. At a minimum, the Office shall employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment, driving record and criminal history check
- (b) A comprehensive background investigation as outlined in 1000.4.7
- (c) Employment eligibility verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents
- (d) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (e) Polygraph or computer voice stress analyzer (CVSA) examination (when legally permissible) (AAC § R13-4-106)
- (f) Medical and psychological examination (may only be given after a conditional offer of employment) (AAC § R13-4-107)
- (g) The selection/testing process will proceed as follows:
 - 1. Each applicant shall take a written examination and must achieve a score of 70% or greater to be considered a candidate. Each candidate who passes the written examination is placed on the list of eligible individuals and rank ordered based on the examination scores. Veterans and Disabled Persons who score 70% or higher, will be receive points added to their score in accordance with Sections 1000.4.1 and 1000.4.2 below.
 - 2. Candidates who pass the written examination will complete a pre-interview questionnaire.
 - 3. Candidates who pass the written exam must then pass a fitness test mandated by POST standards.
 - 4. Candidates who pass the fitness exam will be interviewed by the Review Board. Each Review Board member shall score each candidate using a standardized interview and evaluation form, assigning a numerical value for each category.
 - 5. Based on the scores from the examination and the Review Board interviews, the candidates shall be ranked.
 - 6. The Marshal shall invite the top candidates to the second interview with the Marshal and the two outside Chiefs/Chief law Enforcement Official(s). The Marshal shall determine the number of candidates invited to the second interview, but in no event shall the number be less than three or more than five.

Recruitment and Selection

7. Following the second interview the Marshal and the Chiefs/Chief Law Enforcement Officer(s) shall select those candidates who will be subjected to a background examination. The three evaluators shall vote on whether each candidate will advance to the background investigation and the majority will control the decision.
 8. For those candidates who successfully pass the background investigation, the Marshal and the two outside Chiefs/Chief Law Enforcement Official(s) shall meet and confer and create a final rank order of the candidates. The rank order shall be determined based on the candidates examination scores, interview scores, fitness, and based on facts as revealed in the background investigation. Majority rule shall govern the determination of the rank order.
 9. A conditional offer(s) of employment will then be conveyed to the candidates(s) based on their rank order. If a candidate who is offered employment declines the offer or is otherwise unable to accept the offer, the next candidate in the line shall be extended an offer of employment. No candidate shall be offered employment unless all candidates with a higher ranking have declined offers of employment or are otherwise unable to accept an offer of employment.
 10. Candidate(s) who accept the conditional offer of employment will undergo a medical, polygraph and/or psychological assessment.
 11. If the candidate(s) successfully pass the medical, polygraph and/or psychological assessments, the conditional offer(s) of employment become a firm offer(s) of employment.
- (h) The Review Board will consist of the following individuals:
1. The Marshal or his designee
 2. A Police Chief from an outside jurisdiction (currently the consultant)
 3. A Chief law enforcement officer from an outside jurisdiction
 4. An officer or deputy from an outside jurisdiction

1000.4.1 VETERANS' PREFERENCE

Veterans of the armed forces of the United States, as well as spouses or surviving spouses, may qualify for a veterans' preference as provided by ARS § 38-492. Preference points shall be added after the applicant has received a passing score on an examination for employment without preference (ARS § 38-492).

1000.4.2 PREFERENCE FOR PERSONS WITH DISABILITIES

A person with a disability shall be given a preference of five points over other persons on an examination for employment if the person with a disability earns a passing score without the preference (ARS § 38-492(B)). For the purposes of the preference, "person with a disability" means a person who has a physical or mental impairment that substantially limits one or more of the individual's major life activities, a person who has a record of such impairment, or a person who is regarded as having such impairment.

Recruitment and Selection

1000.5 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by Arizona and Utah state law. The Review Board shall ensure that candidates evaluations are based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Humane Resource office shall maintain validated standards for all positions. The Review Board shall be responsible for ensuring that each candidate is evaluated based on the employment standard.

1000.5.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by the Arizona Peace Officer Standards and Training Board (AZ POST) (AAC R13-4-105) and the Utah Peace Officer Standards and Training (UT POST) council policy:

- (a) Free of any felony convictions in Utah, Arizona, or any other state
- (b) Free of any conviction of a crime for which the candidate could have been punished by imprisonment in a federal penitentiary or in the penitentiary of Utah, Arizona, or another state
- (c) Free of any conviction for domestic violence unless the conviction has been expunged or set aside
- (d) High school diploma, pass the GED examination or have an accredited degree from an institution of higher education
- (e) Undergo a medical examination that meets the standards of AAC R13-4-107
- (f) Have not been dishonorably discharged from the United States Armed Forces
- (g) Never been previously denied certified status, have certified status revoked, have a current certified status suspended or have voluntarily surrendered certified status that prevents certification with AZ or UT POST
- (h) Meet the drug standards as described in AAC R13-4-105 and UT POST policy
- (i) Not been convicted of or adjudged to have violated the traffic regulations that govern the movement of vehicles with a frequency within the past three years that indicates a disrespect for traffic laws or a disregard for the safety of others on the highway
- (j) Demonstrate good moral character determined through a background investigation.
- (k) Be free of any physical, emotional, or mental condition that might adversely affect the performance of the candidate's duties as a peace officer
- (l) Not prohibited from possessing a firearm under state or federal law

Recruitment and Selection

1000.6 STANDARDS FOR BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the CCMO.

A third-party shall conduct all new applicant background investigations in accordance with the requirements of AAC R13-4-106 and UAC R728-403. In addition to the candidates work history, criminal history, credit history, and education background, The following areas will be looked into and included in all background investigations:

- (a) A valid driver license and driving history
- (b) Integrity
- (c) Credibility
- (d) Dependability
- (e) Learning ability
- (f) Personal sensitivity
- (g) Judgment
- (h) Drug use

1000.6.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC 1681d).

Due to the potential for accessing unsubstantiated, private or protected information, the office/background investigator should not require candidates to provide passwords, account information or access to password protected social media accounts. This does not prevent the office/background investigator from viewing publicly available social media.

The third party background investigator shall be appropriately trained and experienced to conduct open sourced, internet based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The law fully complies with applicable privacy protections and local, state, and federal law.

Regardless, the office/background investigator should ensure that potentially impermissible information is not available to any person involved in the candidates selection process.

1000.6.2 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the designated board/selection committee to decide whether to extend a conditional job offer of employment. The report shall not include

Recruitment and Selection

any information that is prohibited from use in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.6.3 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.6.4 POST STANDARDS

Applicants will be disqualified for hire if they fail to qualify for POST certification under Arizona and Utah law.

1000.7 PROBATIONARY PERIODS

The Marshal should coordinate with the CCPD Human Resources Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The CCPD utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

Evaluation of Employees

1001.4 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

Position	Evaluated Every Month	Evaluated Yearly	Length of Probation
Probationary Sworn Employees	X		1 Year
Non-Probationary Sworn Employees		X	
Probationary Civilian Employees	X		1 Year
Non-Probationary, Civilian Employees		X	

1001.5 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time civilian personnel during the probationary period. Probationary sworn personnel are evaluated daily, weekly and monthly during the probationary period.

1001.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion. (CCMO may choose to do the evaluations consistent their fiscal year end).

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the Marshal or his designee determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

1001.6.1 RATINGS

The definition of each rating category is as follows:

Evaluation of Employees

Outstanding - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

Meets Standards - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. All ratings shall be substantiated with comments in the rater comments section.

1001.7 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.8 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Marshal. The Marshal shall review the evaluation for fairness, impartiality, uniformity and consistency. The Marshal shall evaluate the supervisor on the quality of ratings given.

1001.9 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Marshal for the employee's tenure. A copy will be given to the employee and a copy will be forwarded to Town Human Resources Department.

Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the CCPD.

1002.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Colorado City Human Resources Department.

1002.3 POLICY

The CCPD determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Marshal.

1002.4 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Special Weapons and Tactics Team member
- (b) Investigator
- (c) Motorcycle deputy
- (d) Bicycle Patrol deputy
- (e) Canine handler
- (f) Collision investigator
- (g) Field Training Officer
- (h) Community Relations/Training Officer
- (i) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) deputy
- (j) Court officer

1002.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by AZPOST or law
- (d) Exceptional skills, experience, or abilities related to the special assignment

1002.4.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

Special Assignments and Promotions

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to office goals and objectives in a positive manner

1002.4.3 SELECTION PROCESS

The process for special assignments will include an administrative evaluation as determined by the Marshal to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
 - 1. The supervisor recommendations will be submitted to the Supervisor for whom the candidate will work.
- (b) Supervisor interview - The Supervisor will schedule interviews with each candidate.
 - 1. Based on supervisor recommendations and those of the Supervisor after the interview, the Supervisor will submit his/her recommendations to the Marshal.
- (c) Assignment by the Marshal.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Marshal.

Grievances

1004.1 PURPOSE AND SCOPE

It is the policy of this office that all grievances be handled quickly and fairly without discrimination against employees who file a grievance. The Office's philosophy is to promote free verbal communications between employees and supervisors.

1004.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the interpretation or application of any of the following documents:

- The employee collective bargaining agreement
- This Policy Manual
- Town rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual employee or by an employee bargaining group representative.

Specifically excluded from the category of grievances are the following:

- Complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment.
- Complaints related to allegations of discrimination on the basis of gender, race, religion, ethnic background and other lawfully protected status or activity that are subject to the complaint options set forth in the Discriminatory Harassment Policy.
- Complaints related to state Worker's Compensation.
- Personnel complaints consisting of any allegation of misconduct or improper job performance against any office employee that, if true, would constitute a violation of office policy, federal, state or local law set forth in the Personnel Complaints Policy.

1004.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, the employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with his/her immediate supervisor.
- (b) If after a reasonable period of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Supervisor of the affected section or bureau.
- (c) If a successful resolution is not found with the Supervisor, the employee may request a meeting with the Marshal.

Grievances

- (d) If the employee and the Marshal are unable to arrive at a mutual solution, the employee shall submit a written statement of the grievance and deliver one copy to the Marshal and another copy to the immediate supervisor that includes the following information:
 - 1. The basis for the grievance (e.g., the facts of the case).
 - 2. Allegation of the specific wrongful act and the harm done.
 - 3. The specific policies, rules or regulations that were violated.
 - 4. The remedy or goal being sought by the grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Marshal will receive the written grievance. The Marshal and the Town Manager will review and analyze the facts or allegations and respond to the employee within five business days. The response will be in writing and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Marshal and/or Town Manager is considered final.

1004.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1004.4 PUNITIVE ACTION

At no time will punitive action be taken against a peace officer for exercising any rights during the grievance procedure.

1004.5 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Town Manager's office to monitor the grievance process.

1004.6 GRIEVANCE AUDITS

The Training Coordinator shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Coordinator shall record these findings in a memorandum to the Marshal without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Coordinator should promptly notify the Marshal.

Grievances

1004.7 JUDICIAL RELIEF

Any employee or representative may, after exhausting the internal grievance procedure, and, if applicable, arbitration, apply to the proper court for judicial relief as allowed by contract or law.

Anti-Retaliation

1005.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1005.2 POLICY

The CCPD has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1005.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Anti-Retaliation

1005.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Marshal or the Town HR Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1005.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Marshal via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Anti-Retaliation

1005.6 COMMAND STAFF RESPONSIBILITIES

The Marshal should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1005.7 WHISTLE-BLOWING

Arizona law protects members from retaliation for disclosing information to the appropriate person or entity when the member has a reasonable belief that this office is violating or will violate the state Constitution or state law, or is engaging in abuse of authority or gross waste of monies (ARS § 23-1501; ARS § 38-532).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Administration for investigation pursuant to the Personnel Complaints Policy.

1005.7.1 UTAH WHISTLE-BLOWING

The Utah Protection of Public Employees Act protects a member who (Utah Code 67-21-1 et seq.):

- (a) Communicates in good faith the waste or misuse of public funds, property or manpower.
- (b) Communicates in good faith a suspected violation of a state or federal law, rule or regulation.
- (c) Objects to or refuses to carry out a directive that the member reasonably believes violates state or federal law.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the [Internal Affairs Unit] for investigation pursuant to the Personnel Complaints Policy.

1005.7.2 UTAH NOTICE OF MEMBER PROTECTIONS AND OBLIGATIONS

The Department shall post a notice and use all appropriate means to keep members informed of their protections and obligations under the Utah Protection of Public Employees Act. Upon request or allegation by a member, the Department shall provide the member with a copy of the Act (Utah Code 67-21-9).

1005.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

Anti-Retaliation

1005.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Employee Convictions

1007.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Office of any past and current criminal convictions.

1007.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Arizona/Utah and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; ARS § 13-3101(A)(7)(d)).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

Any person applying for or holding a concealed firearm permit and who is convicted of any offense involving domestic violence may have the permit refused, revoked or suspended (Utah Code 53-5-704(2)(a)(vi)).

1007.3 CRIMINAL ARRESTS

Any certified member shall promptly notify his/her immediate supervisor in writing if a firearm used by the member as part of his/her assigned duties has been confiscated as a result of involvement in a domestic violence incident pursuant to ARS § 13-3601(C) (see the Standards of Conduct Policy).

1007.4 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Arizona (AAC § R13-4-105(A)(6)).

Upon conviction of a felony committed by any peace officer, the state shall revoke their certified status (AAC § R13-4-109(C)).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this office may prohibit him/her from carrying out law enforcement duties such as being temporarily or permanently prohibited from carrying a firearm.

1007.4.1 COURT ORDERS

All employees shall promptly notify the office if they are part of any court order. Court orders or failure to comply with certain subpoenas or warrants may require suspension of their peace officer certificate (AAC § R13-4-109).

Reporting of Employee Convictions

1007.4.2 UTAH CRIMINAL CONVICTIONS

Utah Code 53-6-203(1)(d) prohibits any person convicted of a felony from being a peace officer in the State of Utah. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of the Office may be inherently in conflict with law enforcement duties and the public trust.

1007.5 REPORTING PROCEDURE

All members of this office and all retired deputies with an identification card issued by the Office shall promptly notify their immediate supervisor (or the Marshal in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Marshal in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on paid or unpaid administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

Drug- and Alcohol-Free Workplace

1008.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1008.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1008.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1008.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1008.3.2 MEDICAL CANNABIS

Possession of, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1008.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Drug- and Alcohol-Free Workplace

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1008.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1008.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

1008.7 SCREENING TESTS

A supervisor may require an employee submit to a screening test under any of the following circumstances (ARS § 23-493.04):

- (a) The supervisor determines there is a reasonable suspicion that an employee may be affected by the use of drugs or alcohol and that such use may adversely affect the job performance or the work environment.
- (b) The supervisor determines there is reasonable suspicion that an employee is currently impaired or exhibiting objective symptoms of intoxication or drug influence while on-duty.
- (c) When the employee, whether on- or off-duty, is involved in a shooting or law enforcement-related death.
- (d) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (e) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.
- (f) When the employee is involved in an injury or fatal accident while on-duty.

Drug- and Alcohol-Free Workplace

- (g) When the employee is involved in an injury or fatal accident while operating any Town-owned vehicle, whether on- or off-duty.
- (h) During an investigation of an accident in the workplace, provided the testing is performed as soon as practicable after an accident and is administered to employees whom it is reasonable to believe may have contributed to the accident.
- (i) When it is performed as part of a drug or alcohol testing program based on a random or chance basis.
- (j) As a condition of employment to prospective employees.

Generally testing of employees shall occur during, or immediately before or after, a regular work period. The testing, and travel time if required, will be deemed work time for the purpose of compensation for all paid employees (ARS § 23-493.02).

1008.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1008.7.2 DISCIPLINE

An employee may be subject to rehabilitative or disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1008.7.3 DISCIPLINARY ACTION

Rehabilitative or disciplinary action may include (ARS § 23-493.05):

- Enrollment in a rehabilitation, treatment or counseling program, which may include additional drug testing and alcohol impairment testing that has been provided or approved by the Office. Participation in the program may be a condition of continued employment. The cost may or may not be covered by any available health plan or policy.
- Suspension of the employee, with or without pay, for a designated period.
- Termination of employment.
- In the case of drug testing, refusal to hire a prospective employee.
- Other adverse employment action.

Drug- and Alcohol-Free Workplace

1008.7.4 SCREENING TEST REQUIREMENTS

All screening tests for drugs or alcohol shall comply with the standards set forth in ARS § 23-493.03.

1008.7.5 SUBSTANCES FOR WHICH TESTING MAY BE REQUIRED

The Office may test for alcohol and any drugs as defined in ARS § 23-493(3), including prescription drugs or over-the-counter compounds (ARS § 23-493.04(A)(4)).

1008.7.6 SCREENING TEST RESULTS

Employees have the right, on request, to obtain written results of any testing performed. Employees also have the right, on request, to explain a positive test result in a confidential setting (ARS § 23-493.04(A)).

1008.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1008.9 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1010.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the Town personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.).

1010.2 POLICY

It is the policy of the CCPD to provide eligible employees with a sick leave benefit.

1010.2.1 NOTIFICATION

Employees are encouraged to notify an immediate supervisor, the Supervisor or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than two hours before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every reasonable effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Office as soon as reasonably possible and with no less than 30 days' notice of the intent to take leave.

1010.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (ARS § 23-373). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so (ARS § 23-373).

1010.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Sick Leave

1010.4.1 ABSENCE BASED ON DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING

Members taking paid sick leave for three or more days for a qualified absence related to domestic violence, sexual violence, abuse or stalking, may be requested to provide reasonable documentation that the sick leave is being used for a qualified absence. The member may choose the form of documentation to provide as provided in ARS § 23-373.

1010.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.
- (c) If permitted in Arizona sick leave law, addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 1. Negatively affected the member's performance or ability to complete assigned duties.
 2. Negatively affected office operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1010.6 CONFIDENTIALITY

The Office may not require an employee to disclose the details of an illness or circumstances involved as a condition of permitting sick leave use. If the Office possesses such information, then the information shall be deemed confidential and not disclosed except to the affected employee or with the permission of the affected employee (ARS § 23-377).

1010.7 NOTICE

The HR Director shall ensure:

- (a) Notice is posted in a conspicuous place for employees to review information on paid sick leave as required by ARS § 23-364.
- (b) Employees receive written notice of sick leave provisions that meets the requirements of ARS § 23-375.
- (c) Required information regarding paid sick leave is included with the employee's regular paycheck (ARS § 23-375).

Communicable Diseases

1013.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

1013.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable Disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the CCPD. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1013.2 POLICY

The CCPD is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1013.3 EXPOSURE CONTROL OFFICER

The Marshal will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Procedures for post exposure reporting, testing and investigation (AAC § R20-5-164).
 2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

Communicable Diseases

3. Exposure control mandates in 29 CFR 1910.1030 (AAC § R20-5-602).
4. Reporting contagious diseases to the appropriate board of health or health department (ARS § 36-621).

The ECO should also act as the liaison with the Arizona/Utah Division of Occupational Safety and Health (ADOSH) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (AAC § R20-5-602).

1013.4 EXPOSURE PREVENTION AND MITIGATION

1013.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; AAC § R20-5-602):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.
- (b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

Communicable Diseases

1013.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; AAC § R20-5-602) (UAC R614-1-4).

Members shall also be screened for tuberculosis pursuant to the guidance established by Utah OSHA (UAC R388-804).

1013.5 POST EXPOSURE

1013.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1013.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1013.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT (ARIZONA AND UTAH)

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

Communicable Diseases

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1013.5.4 COUNSELING (ARIZONA AND UTAH)

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1013.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Seeking a court order pursuant to ARS § 13-1210.
- (c) Disclosure from a health care provider with communicable disease information under ARS § 36-665.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the Town Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

1013.5.6 UTAH SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Requesting testing through the local health department (Utah Code 26-6-4).
- (c) Seeking a court order or warrant pursuant to Utah Code 78B-8-402.

Communicable Diseases

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1013.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030; UAC R614-1-4; Utah Code 26-6-27); (ARS § 36-664).

1013.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; AAC § R20-5-602):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

1013.7.1 IF NEEDED QUARANTINE OF INDIVIDUALS INCLUDING STAFF MEMBERS, LARGE GROUPS, AND SPECIAL CIRCUMSTANCES

1. An Operational Directive will be issued by the Marshal for specific pandemic or disease when needed to supplement this policy.

Smoking and Tobacco Use

1014.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in CCPD facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1014.2 POLICY

The CCPD recognizes that tobacco use is a health risk and can be offensive to others .

Smoking and tobacco use also presents an unprofessional image for the Office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all office facilities, buildings and vehicles, and as is further outlined in this policy (ARS § 36-601.01).

1014.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the CCPD.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside Town facilities and vehicles.

1014.4 ADDITIONAL PROHIBITIONS

Members may not smoke tobacco products near any entrance, window or ventilation system, or at any facility where persons entering or leaving may be subject to breathing tobacco smoke (ARS § 36-601.01).

1014.4.1 NOTICE

The Marshal or the authorized designee shall ensure that proper signage is posted at every entrance to the facility clearly indicating smoking is prohibited, and identifying where complaints regarding smoking violations may be made (ARS § 36-601.01(E)).

Personnel Complaints

1015.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigating, disposition and disposing of complaints regarding the conduct of members of the CCPD. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation. **Officers of this office are required to know, understand and be familiar with laws for both Arizona and Utah, and the ordinances for both Colorado and Hildale cities as this office provides public safety services for both states.**

1015.2 POLICY

The CCPD takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this office to ensure that the community, as well as CCMO employees, can report misconduct without concern for reprisal or retaliation. CCMO expressly prohibits an employee from engaging in any form of retaliation, including intimidation, coercion, or adverse action against any community member or employee who reports misconduct, makes a misconduct complaint, cooperates with an investigation of misconduct, or opposes any practice reasonably believed to be unlawful or a violation of Department policy.

Any form of retaliation by any employee toward anyone for reporting misconduct, cooperating with an investigation, or opposing a practice reasonably believed to be unlawful or a violation of Department policy shall be grounds for discipline, up to and including termination.

The Marshal will notify the court consultant within 24 hours of all complaints and inquiries received, regardless of their source. The consultant will monitor the complaint process, to ensure this policy was followed.

There shall be no involvement with the complaint process that will influence the investigation or outcome of the investigation by city officials, including: the town or city manager, Mayor, or any city council members of either Colorado City or Hildale City. The Marshal may involve the Humane Resource Director in the disciplinary action imposed on the employee.

1015.3 DEFINITIONS

Aggravating Circumstances - Conditions or events that might increase the seriousness of the employee's action/conduct and increase the recommended penalty.

Inquiry - Questions or clarifications regarding CCMO policy, procedures, or the response to specific incidents by a deputy that are not otherwise classified as a complaint.

Personnel Complaints

Mitigating Circumstances - Conditions or events, while not excusing or justifying the employees's action/conduct, might reduce the recommended penalty.

Personnel Complaint - Any allegation of misconduct or improper job performance that, if true, would constitute a violation of policy, rule, training, or federal, state, or local law. Complaints may be generated internally by CCMO personnel or externally by the public.

1015.4 PERSONNEL COMPLAINTS

Personnel complaints may be generated internally or by the public. All personnel complaints will be investigated thoroughly and expeditiously by the Marshal or an outside agency.

Inquiries about CCMO policy, procedures, or the response to specific incidents by a Officer will be documented and investigated.

All complaints and inquiries in the following areas will be investigated by an outside agency. Those that tend to diminish public trust or confidence, complaints of or inquiries about unfair and/or biased policing, complaints or inquiries pertaining to land use, fair housing issues or any complaint or inquiry that alleges that, or questions whether, a First, Fourth, or Fourteenth Amendment constitutional right has been violated.

1015.4.1

1015.4.2 SOURCES OF PERSONNEL COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may file complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor. The supervisor shall then immediately notify the Marshal
- (c) Supervisors shall document as a complaint any observed misconduct or information received from any source reporting misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated fully and fairly with the information that is given or discovered during course of the investigation.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1015.5 AVAILABILITY OF FORMS AND ACCEPTANCE OF COMPLAINTS

The following are ways a complaint can be received and processed with this office.

1015.5.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the CCMO facility and be accessible through the Colorado City and Hildale City government websites. Forms may also be available at other town facilities. officers will also carry copies of the complaint

Personnel Complaints

form in their cruisers and provide them to individuals upon request. If officers give a form to an individual in the field they will explain the acceptance process to that person.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

Qualified interpreters will be provided when needed to assist with communication barriers. The CCMO has a contract with language line services. Each deputy has access to this service through the CCMO dispatch office.

1015.5.2 ACCEPTANCE

All complaints and inquiries will be courteously accepted, documented, and immediately given to the Marshal. Although written complaints are preferred, a complaint or inquiry may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the Marshal or his designee to understand the nature of the complaint or inquiry and contact the complainant and document the information on a complaint form. The Marshal or his designee upon contact with the complainant, shall complete the complaint form or other documentations as appropriate.

1015.5.3 COMPLAINANT NOTICE

Prior to accepting a complaint against a deputy, the complainant must be provided the following notice (ARS § 38-1120):

- Pursuant to ARS § 13-2907.01, it is a class 1 misdemeanor to knowingly make to a law enforcement agency a false, fraudulent, or unfounded report or statement, or to knowingly misrepresent a fact for the purpose of interfering with the orderly operation of a law enforcement agency or misleading a peace officer.

1015.6 DOCUMENTATION

Supervisors shall ensure that all complaints are documented on a complaint form. Inquiries shall be documented as well. The supervisor shall ensure that the nature of the complaint or inquiry is defined as clearly as possible.

All complaints and inquiries shall also be documented in a log that records and tracks complaints. The log shall be maintained by the Marshal, updated by-weekly, and shared with the consultant. The log shall have the following information listed for all complaints and inquiries: Name of individual making the complaint or inquiry and contact information, name of the officer or officers involved, date of occurrence, date of complaint or inquiry filed, nature of complaint or inquiry, office incident number, complaint or inquiry status, and disciplinary outcome, if any. The consultant will have full access to the underlying complaint or inquiry documentation.

On a bi-annual basis, the Marshal or his designee shall audit complaints and inquiries filed during the six-month period and maintain the audit report in a designated file. The Marshal will provide the audit report to the consultant.

Personnel Complaints

1015.7 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1015.7.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint or inquiry that does not tend to diminish public trust or confidence, involve unfair and/or biased policing, land use, fair housing issues, or a First, Fourth, or Fourteenth Amendment violation shall rest with the member's immediate supervisor. If the supervisor is the complainant, or has personal involvement in the alleged misconduct, the Marshal shall then refer the complaint or inquiry to an outside agency to conduct any administrative investigation.

A supervisor who becomes aware of alleged misconduct shall document and report the misconduct and take reasonable steps to prevent aggravation of the situation. Failure to voluntarily document and report misconduct shall be an offense subject to discipline.

The Marshal or any supervisor who is aware of circumstances where a officer's certification as a peace officer may be subject to suspension or revocation by either Arizona or Utah Peace Officer Standards and Training (POST), based on a violation or conduct described in Utah Code 53-6-211, has an affirmative responsibility to investigate the matter and report to POST, if the allegation is found to be true.

Additional responsibilities of supervisors include, but are not limited to:

- (a) Responding to all complaints or inquiries in a courteous and professional manner.
- (b) Resolving those personnel complaints or inquiries that can be resolved immediately.
 1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
 2. If the complaint or inquiry is resolved and no further action is required, the supervisor will note the resolution on the complaint form or other documentation and forward the form or documentation to the Marshal. For personnel complaints, a letter will be sent to the complainant noting the resolution of the matter.
- (c) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Marshal is notified as soon as practicable.
- (d) The Marshal will contact the Humane Resource Department for direction regarding his role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination. The Marshal shall contact the consultant as soon as possible after being notified of the above related complaints.
- (e) Informing the complainant of the investigator's name (if not the supervisor) and the complaint number within three days after assignment.
- (f) Investigating a complaint as follows:
 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

Personnel Complaints

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (g) Ensuring that the procedural rights of the accused member are followed.
 - (h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1015.7.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Administration, the following applies to members covered by the Officers' Bill of Rights:

- (a) Interviews that could reasonably result in dismissal, demotion, or suspension shall be conducted pursuant to ARS § 38-1104.
 - (b) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, the member shall be compensated.
 - (c) Unless waived by the member, interviews of an accused member shall be at the CCPD or other reasonable and appropriate place.
 - (d) No more than two interviewers should ask questions of an accused member.
 - (e) Prior to any interview, an accused member shall be provided with written notice and a copy which may be retained at the member's discretion of the alleged facts that are the basis of the investigation, and with the specific nature of the investigation, the member's status in the investigation, all known allegations of misconduct that are the reason for the interview, and the member's right to have a representative present at the interview. The member shall also be provided with any relevant and readily available materials, including copies of all complaints that contain the alleged facts that are reasonably available, except complaints that are filed with the Office that include allegations of unlawful discrimination, harassment, or retaliation, or complaints that involve matters under the jurisdiction of the Equal Employment Opportunity Commission (ARS § 38-1104).
 - (f) All interviews should be for a reasonable period and the member's personal needs should be accommodated.
 - (g) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
 - (h) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related

Personnel Complaints

- investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (i) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview should be provided to the member prior to any subsequent interview.
 - (j) In order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - (k) Any accused member may request to have a representative present during an interview at no cost to this office (ARS § 38-1104):
 1. The member shall select a representative who is available on reasonable notice so that the interview is not unreasonably delayed.
 2. The representative shall participate in the interview only as an observer, but may take notes for the purposes described in ARS § 38-1104. The member or the member's representative may record the member's own interview; however, this recording does not constitute an official record of the interview (ARS § 38-1104).
 3. Unless agreed to by the Marshal or the authorized designee, the representative shall be from this office and shall not be an attorney.
 4. The member shall be permitted reasonable breaks of limited duration during any interview for telephonic or in-person consultation with others who are immediately available, including an attorney.
 5. A member shall not be disciplined, retaliated against, or threatened with retaliation for requesting that a representative be present or for acting as the representative for another deputy.
 6. The member may discuss the interview with the member representation or the member's attorney. A member or representative, if the representative is from this office, who releases confidential information without authorization may be subject to disciplinary action (ARS § 38-1104).
 - (l) If the member is designated as a witness, the member may request to have a representative present at no cost to this office. Unless agreed to by the Marshal or the authorized designee, the representative shall be from this office and shall not be an attorney (ARS § 38-1105).
 1. Witnesses who learn of information during an interview shall keep the information confidential until served a notice of investigation by the office or released from the confidentiality requirement. However, the witness may discuss the interview with the witness's representation or that representative's attorney. A witness or representative if the representative is from this office, who releases

Personnel Complaints

confidential information without authorization may be subject to disciplinary action (ARS § 38-1105).

2. The representative of the witness may take notes for the purposes outlined in ARS § 38-1105.
 - (m) All members shall provide complete and truthful responses to questions posed during interviews.
 - (n) No employee shall be compelled to submit to a polygraph examination, nor should any refusal to submit to such examination be mentioned in any investigation (ARS § 38-1108).
 - (o) At the conclusion of the interview, the member may consult with the member's representative and may make a statement that is not to exceed five minutes, addressing specific facts or policies that relate to the interview (ARS § 38-1104).
 - (p) A deputy who recorded a video of an incident where the deputy's use of force resulted in a death or serious physical injury to another person shall be allowed the opportunity to view the recorded video and provide any further information regarding the footage that the deputy believes is relevant, prior to the completion of the administrative investigation.
 - (q) Prior to viewing the video, the deputy shall be read the required notice provided in ARS § 38-1116.

No investigation should be undertaken against any deputy solely because the deputy has been placed on a prosecutor's *Brady* list (also known as Rule 15.1 database) or the name of the deputy may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the deputy has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (ARS § 38-1119).

1015.7.3 ADMINISTRATIVE INVESTIGATION REPORT FORMAT

Formal investigations of personnel complaints (including complaints investigated by outside agencies) shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint. The introduction should include the following sections:

- (a) **Synopsis** - A brief summary of the facts giving rise to the investigation.
- (b) **Summary of Alleged Violations** - A listing of the allegations separately, including applicable policy sections, or provisions of federal, state, or local law. Any additional misconduct violations (not alleged in the original form) shall be listed under the original alleged violation(s) under the sub-heading "Additional Alleged Violations." Any additional accused employees and their misconduct violations shall be listed under the sub-heading "Additional Accused and Alleged Violations."

Investigation - This section sets forth the details of the investigation conducted and evidence applicable to each allegation provided, it shall include comprehensive summaries of member and witness statements. If a witness was not contacted or an interview was not recorded, the

Personnel Complaints

investigator should explain the reason for the non-contact or failure to record. Other evidence related to each allegation should also be detailed in this section.

Mitigating and/or Aggravating Circumstances - List under the appropriate heading the mitigating and aggravating circumstances.

Analysis - This section shall summarize the important aspects of the investigation and the investigators analysis of whether the officer committed the allegation, in light of the evidence collected. The analysis section should include assessments of the complainant, member, and witness credibility. It shall also analyze only information already fully documented in the investigations section, and shall not introduce any new information.

Conclusion/Recommendation - Investigators recommendation to the Marshal regarding further action or disposition as classified 1009.7.4. The investigator will consider any aggravating or mitigating circumstances in making his or her recommendation. In making the recommendation, the investigator will also assess whether the deputies conduct was in compliance with training and legal standards, and whether the incident indicates a need for the deputy to receive additional training, counseling, or other non-disciplinary corrective measures. The recommendation will include any needed changes in CCMO policy, training or the disciplinary process.

The investigator's signature, with the rank and title typed below the signature, shall conclude the report. The report shall also include a signature line for the Marshal, and check boxes indicating whether the Marshal concurs or does not concur with the investigator's recommendations.

Exhibits - A separate list of exhibits (e.g., IA packet, recordings, photos, other, related documents) should be attached to the report.

1015.7.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses, by a preponderance of the evidence, that the alleged acts did not occur or did not involve office members.

Exonerated - When the investigation discloses, by a preponderance of the evidence, that the alleged act occurred but that the act was lawful or within policy.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses, by a preponderance of the evidence, that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall document the misconduct or improper job performance as stated in 1009.7.3 and investigate any additional allegations.

Personnel Complaints

1015.7.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within three months of the date a person authorized by this office to initiate an investigation receives notice of an allegation. This will allow time for review by the Marshal and allow the Marshal to provide the officer with a notice of discipline or findings within 180 days, as provided in ARS § 38-1110.

Additional time to complete the investigation may be extended only if it is demonstrated that additional time is necessary to obtain or review evidence. Should additional time be required, a written request should be made to the Marshal requesting an extension. A request for extension should include the reason for the request and the completion date requested. The extension may not exceed 180 days. Such a request must be approved by the Marshal or the authorized designee in writing and a copy provided to the accused officer before the end of the initial 180-day time period (ARS § 38-1110).

The investigation period may be suspended as follows (ARS § 38-1110):

- (a) During a pending criminal investigation or prosecution
- (b) The officer under investigation is incapacitated or unavailable
- (c) For a period prescribed in a written waiver of the limitation by the officer under investigation
- (d) Special circumstances as prescribed in ARS § 38-1110

1015.7.6 NOTICE TO COMPLAINANT OF INVESTIGATIVE STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1015.7.7 NOTICE IN MULTIPLE DEPUTY INVESTIGATIONS

When an investigation involving multiple officers reveal evidence that exonerates an individual officer or fails to sustain any wrongdoing, the Marshal or authorized designee shall issue the individual officer a notice of findings. The officer should be ordered to refrain from discussing the investigation with anyone except the officer's counsel, spouse, representative, or medical provider (ARS § 38-1110).

1015.8 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1015.9 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the

Personnel Complaints

Marshal may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1015.10 CRIMINAL INVESTIGATION

The Marshal shall be notified as soon as practicable when a member is accused of criminal conduct. Where a member is accused of potential criminal conduct, a separate investigator from an outside agency shall investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation. An outside agency investigator shall be used for all complaints involving criminal allegations.

The Marshal shall notify the consultant as soon as practicable of the request for an outside agency criminal investigation.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation. Consistent with *U.S. v. Garrity*, 385 U.S. 493 (1967), no information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The CCPD may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1015.11 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Marshal through the chain of command. Each level of command should review and include his/her comments in writing before forwarding the report. The Marshal may accept or modify any classification or recommendation for disciplinary action.

1015.11.1

1015.11.2 MARSHAL RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Marshal shall review the recommendation and all accompanying materials. The Marshal may modify any recommendation and/or may return the file to the investigator for further investigation or action.

Personnel Complaints

Once the Marshal is satisfied that no further investigation or action is required by staff, the Marshal shall determine the amount of discipline, if any that should be imposed. The Marshal shall review his decision with the court consultant. In the event disciplinary action is proposed, the Marshal shall, within 180 days, provide the member with a written notice and the following (ARS § 38-1110):

- (a) Access to all of the materials considered by the Marshal in recommending the proposed discipline.
 - (a) If requested by the officer, a basic summary or file copies of similar disciplinary cases within the last two years shall be provided, unless prohibited by court rule (ARS § 38-1104).
 - (b) No final action should be taken or hearing scheduled until the basic summary or file copies have been provided to the officer.
- (b) An opportunity to respond orally or in writing to the Marshal within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Marshal may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the office shall record the presentation. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Marshal shall consider all information received in regard to the recommended discipline. The Marshal shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Marshal has issued a written decision, the discipline shall become effective.

1015.12 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Marshal after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Marshal to consider.
- (d) In the event that the Marshal elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Marshal on the limited issues of information raised in any subsequent materials.

Personnel Complaints

1015.13 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the investigation file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1015.14 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

In the event of punitive action against a member covered by the Officers' Bill of Rights, the appeal process shall be in compliance with ARS § 38-1106. The member may also request to appeal this decision through the city appeal process.

1015.15 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Marshal.

Any probationary period may be extended at the discretion of the Marshal in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate (see the Temporary Modified-Duty Assignments Policy).

An employee discharged, transferred to another position with less pay or suspended without pay for more than two days may, within 10 days from the issuance by the Marshal of the order of discharge, transfer or suspension, appeal to an appeal board or a hearing officer if one has been established. However, if the office has established an internal grievance procedure, the employee must exhaust all available grievance remedies before making such appeal (Utah Code 10-3-1106).

The employee may appear in person and may have counsel and a public hearing. The findings and decision of the appeal board or hearing officer shall be final.

Any final action or order of the appeal board or hearing officer may be appealed to the Utah Court of Appeals within 30 days of the issuance of the final action or order of the appeal board or hearing officer.

Personnel Complaints

1015.16 CONFIDENTIALITY AND RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy. (All formal personnel complaints shall be maintained for no less than three years).

1015.17 NOTIFICATION TO ARIZONA AND UTAH PEACE OFFICER STANDARDS AND TRAINING BOARD

Disciplinary action and termination reporting requirements.

1015.17.1 DISCIPLINE REPORTING

The Office shall report to the Arizona and Utah Peace Officer Standards and Training any disciplinary action involving a certified officer that results in the suspension or revocation of his/her certified status (ARS § 41-1828.01(A)). Conduct that results in discipline may be reported for (AAC § R13-4-109):

- (a) Failure to meet the minimum qualifications for certification.
- (b) Providing false information related to certification as a peace officer.
- (c) A medical, physical or mental disability that substantially limits the person's ability to effectively perform the duties of a peace officer.
- (d) Violation of a restriction or requirement for certified status.
- (e) The illegal use of a controlled substance.
- (f) Unauthorized use of, or being under the influence of alcohol on-duty.
- (g) The commission of any offense that would be a felony if committed in Arizona or Utah or any offense involving dishonesty, unlawful sexual conduct or physical violence.
- (h) Refusal, failure or delay in performing the duties of a peace officer.
- (i) A conduct or pattern of conduct that tends to disrupt, diminish or otherwise jeopardize public trust.

Pursuant to 18 U.S.C. 922 (g). if a officer is convicted of a misdemeanor offense that involves the use of physical force, attempted use of physical force, or threatened use of a deadly weapon against a person with whom the officer is or has been involved in a specified domestic relationship defined by applicable law, the officer may no longer possess a firearm, including a service weapon. The Marshal shall take appropriate disciplinary action against the officer and report the discipline to the Arizona and Utah Peace Officer Standards and Training.

1015.17.2 TERMINATION REPORTING

The Office shall inform Arizona and Utah Peace Officer Standards and Training of the termination, resignation or separation of any certified officer for misconduct pursuant to AAC § R13-4-108 and ARS § 41-1828.01(A). A report shall be submitted within 15 days of a termination and include:

- (a) The effective date and nature of the termination.
- (b) A detailed description of any termination for cause.

Personnel Complaints

- (c) A detailed description of the cause for the suspension or revocation of certified status, including supporting documentation for the decision.

Seat Belts

1016.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and ARS § 28-907.

1016.2 POLICY

It is the policy of the CCPD that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1016.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members of the office, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement (Utah Code 41-6a-1803).

1016.4 TRANSPORTING CHILDREN

Child restraint systems shall be used for all children who are under 5 years of age or who are under 8 years old and are not more than 4 feet 9 inches tall (ARS § 28-907) exemption for height (Utah Code 41-6a-1803).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

Seat Belts

1016.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any office vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1016.6 INOPERABLE SEAT BELTS

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Marshal.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1016.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1016.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1017.2 POLICY

It is the policy of the CCPD to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1017.3 ISSUANCE OF BODY ARMOR

The Marshal or his designee shall ensure that body armor is issued to all deputies when the deputy begins service at the CCPD and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Marshal or his designee shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1017.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when a deputy is working in uniform.
- (e) Body armor shall be worn at all times during firearms training.
- (f) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when the Marshal determines that other circumstances make it inappropriate to mandate wearing body armor.

1017.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

Body Armor

1017.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1017.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Office approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

Personnel Records

1018.1 PURPOSE AND SCOPE

This policy governs maintenance, retention and access to personnel records in accordance with established law. Personnel records include any file maintained under an individual member's name.

1018.2 POLICY

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Arizona and Utah (Utah Code 63g-2-302 and 304).

1018.3 OFFICE FILE

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints. These records shall be permanently maintained in this file.
- (f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment.
 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
 2. Any member response shall be attached to and retained with the original adverse comment.
 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Personnel Records

1018.4 SECTION FILE

Section files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Section file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1018.5 TRAINING FILE

An individual training file shall be maintained by the Training Coordinator for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Coordinator or immediate supervisor with evidence (training form) of completed training/education in a timely manner.
- (b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member's training file.

1018.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Administration in conjunction with the office of the Marshal. Access to these files may only be approved by the Marshal or his designee.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's office file but will be maintained in the internal affairs file:

- (a) Unfounded
- (b) Exonerated
- (c) Not Sustained
- (d) Sustained

1018.6.1 UTAH RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved deputy or written authorization of the Marshal or his designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates or otherwise discloses the residence address or telephone number of any employee of the Office may be guilty of a class B misdemeanor ([Utah Code 63G-2-801](#)).

Personnel Records

1018.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1018.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Town Manager, Town Attorney or other attorneys or representatives of the Town in connection with official business.

1018.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Marshal, Records Manager or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1018.8.2 RELEASE OF PERSONNEL INFORMATION

Except as otherwise provided by law, the home address and phone number of a member shall not be disclosed unless the member consents to the disclosure in writing (ARS § 39-123; ARS § 39-124).

Personnel Records

The photograph of a deputy may be released (ARS § 39-123; ARS § 39-124):

- (a) If the deputy has been arrested or has been formally charged with a misdemeanor or a felony offense.
- (b) If requested by a newspaper for a specific newsworthy event unless:
 1. The deputy is working undercover or scheduled to be working undercover within 60 days.
 2. The release of the photograph is not in the best interest of the state after consideration of privacy, confidentiality, and safety of the deputy.
 3. An order is in effect pursuant to ARS § 28-454 (Records maintained by the Department of Transportation).

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

Personnel records of a deputy that are maintained under AAC § R13-4-108(C) shall be released to a requesting law enforcement agency completing a background investigation (AAC § R13-4-108).

1018.8.3 INVESTIGATION INFORMATION

Records containing information of an investigation of a deputy shall not be included in the portion of the deputy's personnel file that is available for public inspection and copying until the investigation is complete or the office has discontinued the investigation. If a deputy has timely appealed a disciplinary action, the investigation is not complete until the conclusion of the appeal process (ARS § 38-1109).

1018.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Marshal through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.

Personnel Records

- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for office planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

1018.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development.
- (b) All internal affairs files shall be permanently maintained.

Request for Change of Assignment

1019.1 PURPOSE AND SCOPE

It is the intent of the Office that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1019.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment Form. The form should then be forwarded through the chain of command to the Supervisor.

1019.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment Form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, employees still interested in new positions will need to complete and submit a new Request for Change of Assignment Form.

1019.3 SUPERVISOR'S COMMENTARY

The deputy's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Supervisor of the employee involved. In the case of patrol deputies, the Supervisor must comment on the request with his/her recommendation before forwarding the request to the Supervisor. If the Supervisor does not receive the Request for Change of Assignment Form, the Supervisor will initial the form and return it to the employee without consideration.

Commendations and Awards

1021.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the CCPD and individuals from the community.

1021.2 COMMENDATIONS

Commendations for members of the Office or for individuals from the community may be initiated by any office member or by any person from the community.

1021.3 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1021.3.1 OFFICE MEMBER DOCUMENTATION

Members of the Office should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 1. For members of the Office - name, section and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1021.3.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 1. For members of the Office - name, section and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

Commendations and Awards

- (c) The signature of the person submitting the documentation.

1021.3.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded to the appropriate Supervisor for his/her review. The Supervisor should sign and forward the documentation to the Marshal for his/her review.

The Marshal or the authorized designee will present the commendation to the office member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Supervisor. The documentation will be signed by the Supervisor and forwarded to the Marshal for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1021.4 AWARDS

Awards may be bestowed upon members of the Office and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Marshal.

1021.5 POLICY

It is the policy of the CCPD to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

Fitness for Duty

1023.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Office and the community. The purpose of this policy is to ensure that all members of this office remain fit for duty and able to perform their job functions.

1023.2 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this office to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the member's position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform the member's duties shall promptly notify a supervisor. In the event that a member believes that another office member is unable to perform the member's duties, such observations and/or belief shall be promptly reported to a supervisor.

1023.3 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform assigned duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility, or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

1023.3.1 DUTY STATUS

In conjunction with the Supervisor or the member's Supervisor, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the member's job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the member's job, the

Fitness for Duty

Supervisor or the member's Supervisor should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Marshal shall be promptly notified in the event that any member is relieved of duty.

1023.4 WORK RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Marshal or his designee, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1023.5 PHYSICAL, BEHAVIORAL, OR PSYCHOLOGICAL EXAMINATIONS

The Marshal may order a deputy of this office to submit to a physical, behavioral, or psychological examination if the deputy has acted or failed to act in a manner that indicates that there is a physical, behavioral, or psychological condition materially limiting the deputy's ability to perform essential job functions (ARS § 38-1112).

Any order requiring a deputy to submit to an examination should give the deputy 10 days' notice prior to the examination, and should include but not be limited to (ARS § 38-1112):

- (a) The specific objective facts on which the order is based.
- (b) The date, time, place, manner, conditions, and scope of the examination.
- (c) The identity of the person who will conduct the examination.

A 10-day notice is not required for a psychological examination if the deputy is a danger to themselves or others (ARS § 38-1112).

A copy of the examining professional's report shall be provided to the deputy within five business days after the Office receives the final report from the professional. No final action shall be taken until the deputy has had at least 20 days to review the report, unless the deputy waives the review period or the Office grants an extension (ARS § 38-1112).

Any deputy who has been ordered to submit to an examination may request an independent medical examination (IME). The deputy must present the results of the IME to the Office within 20 days of receipt of notice that the examining professional's report was received by the Office or the right to present the IME results is deemed waived (ARS § 38-1112).

Fitness for Duty

1023.6 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in a one-day (24 hour) period
- 30 hours in any two-day (48 hour) period
- 84 hours in any seven-day (168 hour) period

Except in unusual circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

1023.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

1023.8 POLICY

The CCPD strives to provide a safe and productive work environment and ensure that all members of this office can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Office may require a professional evaluation of a member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

Meal Periods and Breaks

1025.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible shall conform to the policy governing all Town employees.

1025.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed deputies shall request clearance from the Dispatch Center prior to taking a meal period. Uniformed deputies shall take their breaks within the Town limits unless on assignment outside of the Town.

The time spent for the meal period shall not exceed the authorized time allowed.

1025.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the deputy facility shall remain in the deputy facility for their breaks. This does not prohibit them from taking a break if they are outside the facility on official business.

Field deputies will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Dispatch Center.

Lactation Breaks

1027.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1027.2 POLICY

It is the policy of this office to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1027.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Office operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1027.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

The area assigned for this purpose should not be used for storage of any devices, supplies or expressed milk and should be returned to its' original state after each use.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Lactation Breaks

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1027.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the employee ends her shift.

Payroll Records

1028.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of office members who are eligible for the payment of wages.

1028.2 POLICY

The CCPD maintains timely and accurate payroll records.

1028.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

1028.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the Town payroll procedures.

1028.5 RECORDS

The Administration Supervisor shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation Requests

1030.1 PURPOSE AND SCOPE

It is the policy of the Office to compensate nonexempt employees who work authorized overtime either by payment of wages as agreed and in effect through the collective bargaining agreement, or by the allowance of accrual of compensatory time off. In order to qualify for either the employee must complete and submit a Request for Overtime Payment as soon as practicable after overtime is worked.

1030.1.1 OFFICE POLICY

Because of the nature of law enforcement work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Office. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment. The employee may not exceed the number of hours identified in the collective bargaining agreement.

1030.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Section.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1030.2.1 EMPLOYEES' RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Supervisor. Employees submitting overtime forms for on-call pay when off-duty shall submit forms to the Supervisor the first day after returning to work.

1030.2.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form will be forwarded to the employee's Supervisor for final approval.

Overtime Compensation Requests

1030.2.3 SUPERVISOR RESPONSIBILITIES

Supervisors, after approving payment, will then forward the form to the Marshal for review.

1030.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., two hours for court, four hours for outside overtime). The supervisor will enter the actual time worked.

1030.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

1030.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the Supervisor or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Outside Employment

1032.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Office employees engaging in outside employment, all employees shall initially obtain written approval from the Marshal prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Marshal in accordance with the provisions of this policy and Utah Code 53-13-114.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Outside Employment - The employment of any member of this office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this office for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this office for services, products or benefits rendered.

Outside Overtime - Overtime involving any member of this office who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Office. Such outside overtime shall be requested and scheduled directly through this office so that the Office may be reimbursed for the cost of wages and benefits.

1032.2 OBTAINING APPROVAL

No member of this office may engage in any outside employment without first obtaining prior written approval of the Marshal. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action. The employee shall request in writing to the Marshal approval for outside employment. The request and approval or denial will be kept in the Marshals office for annual review.

1032.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's application is denied or rescinded by the Office, the employee may file a notice of appeal to the Marshal within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current collective bargaining agreement.

1032.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT

Any outside employment approval may be revoked or suspended after the employee has received notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The

Outside Employment

Marshal may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permits. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.

- (b) If, at any time during the term of a valid outside employment approval, an employee's conduct or outside employment conflicts with the provisions of Office policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Office or Town.

1032.3 PROHIBITED OUTSIDE EMPLOYMENT

The Office expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

- (a) Involves the employee's use of Office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this office for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this office.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this office.
- (d) Involves time demands that would render performance of the employee's duties for this office below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1032.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest no member of this office may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this office must submit a written request to the Marshal in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

- (a) The applicant will be required to enter into a written indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:

Outside Employment

1. The deputy shall wear the Office uniform/identification.
2. The deputy shall be subject to all the rules and regulations of this office.
3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Marshal.

1032.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1032.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Supervisor, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the deputy's law enforcement status.

1032.3.4 UTAH PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of UAC R477-9-2, the Office expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Interferes with an employee's efficiency performance.
- (b) Conflicts with the interests of the Office or the State of Utah.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.

1032.4 OFFICE RESOURCES

Employees are prohibited from using any Office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this office or other agencies through the use of the employee's position with this office.

1032.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written

Outside Employment

approval for an outside employment position, the Office may request that an employee provide his or her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Office becomes concerned that a conflict of interest exists based on a financial reason, the Office may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work approval may be revoked pursuant to this policy.

1032.5 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Office members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Marshal whether such outside employment should continue or the approval be suspended or revoked.

In the event the Marshal determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's approval will be forwarded to the involved employee and a copy attached to the original work request. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment approval while on disability status or administrative leave include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the Town's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of his/her intentions to their supervisor.
- (d) The outside employment is not compatible with the reason the employee is on administrative leave.

Personal Appearance Standards

1033.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

1033.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer health and safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Marshal has granted exception.

1033.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male certified members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female certified members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail.

1033.2.2 MUSTACHES

The standard for mustaches will be determined by the Marshal and/or his designee. Mustaches shall be trimmed and neat.

1033.2.3 SIDEBURNS

The standard for Sideburns will be determined by the Marshal and/or his designee. Sideburns shall be trimmed and neat.

1033.2.4 FACIAL HAIR

The standard for facial hair shall be determined by the Marshal and/or his designee. Any facial hair is to be professional and well maintained at all times. The Marshal may revoke this privilege at any time at his/her discretion.

1033.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1033.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the office member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

Personal Appearance Standards

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the office member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1033.3 TATTOOS

While on-duty or representing the Office in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Office in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang-related or obscene language.

1033.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Uniform Regulations

1034.1 PURPOSE AND SCOPE

The uniform policy of the CCPD is established to ensure that uniformed deputies, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of office uniforms. Employees should also refer to the following associated policies:

- (a) Firearms Policy
- (b) Office-Owned and Personal Property Policy
- (c) Body Armor Policy
- (d) Personal Appearance Standards Policy

The uniform and equipment specifications manual is maintained and periodically updated by the Marshal or his designee. The manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

The CCPD will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement. (This may be done through a uniform allowance).

1034.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Deputy employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) All peace officers of this office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) Employees shall not loan any portion of the uniform to others.
- (e) Employees shall not permit the uniform to be reproduced or duplicated.
- (f) The uniform is to be worn in compliance with the specifications set forth in the Office's uniform specifications and procedures which are maintained separately from this policy.
- (g) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

Uniform Regulations

- (i) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Office functions or events.
- (j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Office uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform-unless specifically authorized by the Marshal or a designee.
 - 1. Wrist watch.
 - 2. Wedding rings, class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

1034.2.1 OFFICE ISSUED IDENTIFICATION

The Office issues each employee an official Office identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Office-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Office, employees shall display their Office issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Supervisor.

1034.3 UNIFORM CLASSES

1034.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all certified members. The Class A uniform includes the standard issue uniform with (511 and Blauer manufacturers):

- (a) Long sleeve blue uniform shirt with tie.
- (b) Blue uniform pant
- (c) Polished shoes.

A hat designated by the Marshal may be worn for events held outdoors. Boots with pointed toes are not permitted.

1034.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the duty uniform (Blue shirt, Tan pants) and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve blue uniform shirt may be worn, 511 or Blauer.
- (b) Tan Khakis 511 or Blauerpant.

Uniform Regulations

- (c) A white, navy blue or black crew neck T-shirt must be worn with the uniform.
- (d) All shirt buttons must remain buttoned except for the last button at the neck.
- (e) Polished shoes.
- (f) Approved all black unpolished shoes may be worn.
- (g) Boots with pointed toes are not permitted.

1034.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or for special duty assignments. The Marshal will establish the regulations and conditions for wearing the Class C Uniform and its specifications.

1034.3.4 SPECIALIZED UNIT UNIFORMS

The Marshal may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Deputies and other specialized assignments.

1034.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications Manual lists the authorized uniform jacket and rain gear.

1034.4 INSIGNIA AND PATCHES

- (a) Shoulder patches - The authorized shoulder patch supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.
- (b) Service stripes and stars - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve.
- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the member's personnel number or first and last name. If a member's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the member desires other than the legal first name, the member must receive approval from the Marshal. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias (e.g., SWAT, FTO or similar) may be worn as designated by the Marshal or a designee.

Uniform Regulations

- (f) A flag pin may be worn, centered above the nameplate. An American flag patch of a size not to exceed 3 inches by 5 inches may be worn on the sleeve or above the right front pocket using appropriate flag display etiquette.
- (g) The Office-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Certified non-uniform personnel will wear or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.
- (h) The designated insignia indicating the member's rank must be worn at all times while in uniform. The Marshal or his designee may authorize exceptions.

1034.4.1 MOURNING BADGE

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) A deputy of this office - From the time of death until midnight on the 14th day after the death.
- (b) A deputy from this State - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of a fallen deputy.
- (d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.
- (e) As directed by the Marshal or his designee.

1034.5 CIVILIAN ATTIRE

There are assignments within the Office that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

- (a) All members shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.
- (d) The following items shall not be worn on-duty:
 - 1. T-shirt alone.
 - 2. Open-toed sandals or thongs.

Uniform Regulations

3. Swimsuit, tube tops or halter tops.
 4. Spandex type pants or see-through clothing.
 5. Distasteful printed slogans, buttons or pins.
 6. Denim pants of any color.
 7. Shorts.
 8. Sweat shirts, sweat pants or similar exercise clothing.
- (e) Variations from this order are allowed at the discretion of the Marshal or a designee when the member's assignment or current task is not conducive to wearing such clothing.
- (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the CCPD or the morale of the employees.
- (g) Certified members carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1034.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Marshal, CCPD employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Office badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the CCPD to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

1034.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications Manual as optional shall be purchased at the expense of the employee.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).
- (c) Replacement of items listed in this order as optional shall be done as follows:

Uniform Regulations

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property in the Office-and Personal Property Policy.

1034.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

CCPD employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications Manual or by the Marshal or his designee.

CCPD employees may not use or carry any tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications Manual or by the Marshal or his designee.

Office Badges

1037.1 PURPOSE AND SCOPE

The CCPD badge and uniform patch, as well as the likeness of these items and the name of the CCPD, are property of the Office and their use shall be restricted as set forth in this policy.

1037.2 POLICY

The uniform badge shall be issued to Office members as a symbol of authority. The use and display of Office badges shall be in strict compliance with this policy. Only authorized badges issued by this office shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1037.2.1 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1037.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Office badges are issued to all certified employees for official use only. The Office badge, shoulder patch or the likeness thereof, or the Office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Office name for all material (e.g., printed matter, products or other items) developed for Office use shall be subject to approval by the Marshal or a designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

Employee Speech, Expression and Social Networking

1040.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

Members of this Office will be held accountable and responsible for any violation of this policy to include postings, speech, expressions or social networking while on or off duty. Failure to do so will result in disciplinary action consistent with policy 1010, up to and including termination.

1040.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media, public or private speech. It also applies to the use of all Internet services, including the World Wide Web, e-mail, file transfers, remote computer access, news services, social networking platforms (platforms that allow users to connect with other users and create profiles on line [e.g., Facebook]) and other social media sites (such as and including Tumblr and Twitter), instant messaging, blogs (online journals to which the host regularly posts material on which other users can comment), online forums (discussion sites where individuals can converse in the form of posted messages), wikis (websites that allow users to collaborate and modify content directly from the web browser), video and other file sharing sites (e.g., You Tube or Instagram).

It is the responsibility of each member of this Office to know and understand what each of the above forms of communication are, including the use of dedicated websites and applications to interact or share information with other users.

1040.2 POLICY

Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the CCPD will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

Employee Speech, Expression and Social Networking

1040.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of CCPD employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this office has had professional contact with, such as crime victims or the staff of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

- (a) Disclosing a photograph and name or address of a deputy who is working undercover.
- (b) Disclosing the address of a fellow deputy.
- (c) Otherwise disclosing where another deputy can be located off-duty.

1040.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the organization's safety, performance and public-trust needs, the following are prohibited in all forms of communication listed in 1028.1.1 unless the speech is otherwise protected (for example, an employee acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the CCPD or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the CCPD and tends to compromise or damage the mission, function, reputation or professionalism of the CCPD or its employees. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Discriminatory or Harassing statements.
 - 4. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.

Employee Speech, Expression and Social Networking

- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the CCPD.
- (f) Use or disclosure through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment with the Office for financial gain, or data classified as not public by state or federal law or any disclosure of such materials without the express authorization of the Marshal or his designee. (Utah Code 67-16-4)
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of Office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the CCPD on any personal or social networking or other website or web page without the express authorization of the Marshal.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or Office-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1040.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the CCPD or identify themselves in any way that could be reasonably perceived as representing the CCPD in order to do any of the following, unless specifically authorized by the Marshal(Utah Code 20A-11-1206):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.
- (e) Use the email of CCMO for any political purpose (Utah Code 20A-11-1205).

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group, etc.), is affiliated

Employee Speech, Expression and Social Networking

with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the CCPD.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1040.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace, etc.) that is accessed, transmitted, received or reviewed on any office technology system.

The Office reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Office, including the Office e-mail system, computer network, radio or other communication system or medium or any information placed into storage on any office system or device.

This includes records of all key strokes or web-browsing history made at any office computer or over any Office network. The fact that access to a database, service or website requires a user name or password does not create an expectation of privacy if accessed through office computers or networks.

1040.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Marshal or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

Employee Speech, Expression and Social Networking

1040.7 TRAINING

The Office will provide training regarding employee speech and the use of social networking to all members of the Office annually.

Line-of-Duty Deaths

1043.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the CCPD in the event of the death of a member occurring in the line of duty and to direct the Office in providing proper support for the member's survivors.

The Marshal may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

Because of limited resources within the CCMO, the Marshal may rely on and request, outside agency assistance and other city officials to help fill the needs during this type of an incident.

1043.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1043.2 POLICY

It is the policy of the CCPD to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

CCMO is a small agency and will not be able to fill all of the listed positions in this policy, therefore will seek assistance and rely on outside agencies to assist in filling all of the needs within this policy.

1043.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Supervisor and the Dispatch Center.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

Line-of-Duty Deaths

- (b) The Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Marshal or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Office Liaison as soon as practicable (see the Notifying Survivors section and the Office Liaison and Hospital Liaison subsections in this policy).

1043.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Marshal or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Marshal, Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Office Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in office vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the

Line-of-Duty Deaths

workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Office Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Office Liaison.
- (m) Inform the Marshal or the authorized designee once survivor notifications have been made so that other CCPD members may be apprised that survivor notifications are complete.

1043.4.1 OUT-OF-AREA NOTIFICATIONS

The Office Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Office Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the office member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Office Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Office to pay travel expenses without the authorization of the Marshal.

1043.5 NOTIFYING OFFICE MEMBERS

Supervisors or members designated by the Marshal are responsible for notifying office members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Line-of-Duty Deaths

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Office regarding the deceased member or the incident.

1043.6 LIAISONS AND COORDINATORS

The Marshal or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Office Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Office Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available office resources. The Office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1043.6.1 OFFICE LIAISON

The Office Liaison should be a Supervisor or of sufficient rank to effectively coordinate office resources, and should serve as a facilitator between the deceased member's survivors and the Office. The Office Liaison reports directly to the Marshal. The Office Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.

Line-of-Duty Deaths

- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that office members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1043.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Office members and friends of the deceased member.
 - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or CCPD members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Office, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

Line-of-Duty Deaths

1043.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Office Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term office contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Supervisor. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Office Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Office and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of office-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.

Line-of-Duty Deaths

- (h) Coordinating with the office's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to office activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Office recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Office to facilitate communications necessary to the assignment. The office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1043.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the office wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of office responsibilities until they can receive wellness support.

Line-of-Duty Deaths

- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1043.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Office Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Office, including, but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Last radio call
- (d) Briefing the Marshal and command staff concerning funeral arrangements.
- (e) Assigning a deputy to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using office vehicles and drivers.

1043.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Office Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.

Line-of-Duty Deaths

- (b) Area coverage so that as many CCPD members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1043.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits from either Arizona and Utah and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 1. Public Safety Officers' Benefits (PSOB) Programs.
 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 3. Social Security Administration.
 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 1. Death benefits (ARS § 23-1046)(Utah Code 53-17-501).
 2. Educational benefits (ARS § 15-1808)(Utah Code 53B-8c-103).
 3. Health insurance (ARS § 38-1114)(Utah Code 53-7-201).
 4. Pension benefits (ARS § 38-846)(Utah Retirement and Health Benefit Act Title 49).
 5. Agency Administrator: Insert local programs that are available and appropriate for inclusion at a policy level. Delete this list item if there are none.
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 1. Private foundation survivor benefits programs.
 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by law enforcement associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of

Line-of-Duty Deaths

the summary and benefit application documentation should be provided to affected survivors.

- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1043.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Marshal and the Office Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 1. Paying survivors' travel costs if authorized.
 2. Transportation costs for the deceased.
 3. Funeral and memorial costs.
 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1043.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the office's PIO should be the office's contact point for the media. As such, the PIO should coordinate with the Office Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that office members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Office and deceased member's survivors.
- (d) Arrange for community and media briefings by the Marshal or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

Line-of-Duty Deaths

- (g) Release information regarding memorial services and funeral arrangements to office members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1043.8 OFFICE CHAPLAIN

The Office chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting office members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain are in the Chaplains Policy.

1043.9 INVESTIGATION OF THE INCIDENT

The Marshal shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1043.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Marshal may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1043.11 NON-LINE-OF-DUTY DEATH

The Marshal may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1044.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for office members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1044.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1044.2 POLICY

It is the policy of the CCPD to prioritize member wellness to foster fitness for duty and support a healthy quality of life for office members. The Office will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1044.3 WELLNESS COORDINATOR

The Marshal should appoint a trained wellness coordinator. The coordinator should report directly to the Marshal or the authorized designee and should collaborate with advisers (e.g., Human Resources Department, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

Wellness Program

2. When practicable, the Office should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for office peer support members, such as:
1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for office peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

1044.4 OFFICE PEER SUPPORT

1044.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a office peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.

Wellness Program

- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1044.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of office peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting office members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 1. Referrals should be made to office-designated resources in situations that are beyond the scope of the peer support member's training.

1044.4.3 PEER SUPPORT MEMBER TRAINING

A office peer support member should complete office-approved training prior to being assigned.

1044.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members, and/or critical incident stress management team and those directly involved in the incident.

1044.5.1 CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER COMMUNICATIONS

Communications with a critical incident stress management team member are confidential and may not be disclosed except as allowed by ARS § 38-1111. A critical incident stress management team member is an individual who has completed training through a recognized organization that delivers critical incident stress management training and who is part of a response team (ARS § 38-1111).

Wellness Program

1044.6 PEER SUPPORT COMMUNICATIONS

Although the Office will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications.

1044.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of office-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1044.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the office's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Marshal for review and consideration of updates to improve program effectiveness.

1044.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Coordinator to provide all members with regular education and training on topics related to member wellness, including but not limited to:

Wellness Program

- The availability and range of office wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Coordinator as appropriate for inclusion in training records.

Colorado City/Hildale Marshal's Office Policy Manual

Colorado City/Hildale PD Policy Manual

INDEX / TOPICS

..... 309

A

ACKNOWLEDGEMENTS

- Policy manual. 16
- Policy revisions. 16

ADMINISTRATIVE INVESTIGATIONS

- Criminal parallel. 565
- Officer-Involved Shootings and Deaths. 65
- Vehicle damage. 468

ADMINISTRATIVE LEAVE 564

ADULT ABUSE 129

ADULT ABUSE, INVESTIGATIONS 407

AIRCRAFT

- Flying while armed. 76
- Temporary flight restrictions. 186

AIRCRAFT ACCIDENTS 318

ALCOHOL

- Vehicle use. 465

ALCOHOL, INTOXICANTS 175

ANIMAL CONTROL PROCEDURES 508

ANIMALS

- Dangerous. 74
- Euthanize. 75
- Injured. 75
- Line-of-duty deaths. 619

ANTI-RETALIATION 538

APPOINTMENTS

- Communications supervisor. 477
- Community relations coordinator. 257
- Operations director 440, 446
- Press information officer (PIO). 185
- Training manager. 22
- UAS Coordinator. 437

APPOINTMENTS, EXPOSURE CONTROL

OFFICER EXPOSURE CONTROL, OFFICER

- INSPECTIONS, Exposure control
- NOTIFICATIONS, Exposure control REVIEWS,
- Exposure control plan. 550

ARREST OF TEACHER 232

ARRESTS

- Child and dependent adult safety. 240
- Citations. 300
- First amendment assemblies. 366
- Seat belts. 571

ASSET FORFEITURE 416

AUDIO/VIDEO RECORDING

- Body cameras. 340
- OI. 66

AUDIO/VIDEO RECORDING, CUSTODIAL

INTERROGATION 407

AUDITS

- Personnel complaints. 558

AUDITS, INFORMANT FILES 426

AUDITS, PUBLIC SAFETY VIDEO

SURVEILLANCE 239

AUTHORITY

- Canine handler. 98
- Command. 18
- MEMBERS. 19
- Policy manual. 14

AUTHORITY, ETHICS 171

AUTOMATED EXTERNAL DEFIBRILLATORS

(AED) 375

B

BADGE

- Mourning Badge. 600

BADGES, PATCHES AND IDENTIFICATION

- Administrative leave. 564

BARRICADE INCIDENTS 272

BARRICADED INCIDENTS 279

BATON 51

BIAS-BASED POLICING 267

BIOLOGICAL SAMPLES

- Hazards. 319

BIOLOGICAL SAMPLES 234

BLOOD TEST 393

BODY ARMOR 572

BODY-WORN CAMERAS 340

BOMBS 284

- Aircraft accidents. 319

- MDT/MDC. 339

C

CANINE

- Training. 101

CANINES

- Pursuits. 90

CASH, AUDIT

- AUDITS, Informant funds. 428

CHANGE OF ASSIGNMENT 579

CHAPLAINS

- Line-of-duty deaths. 619

CHILD ABUSE 140

CHILD AND DEPENDENT ADULT SAFETY 240

CHILDREN

- Child abuse. 140
- Child safety. 240
- Drug endangered. 145
- Firearms. 73

CHILDREN

CCPD

Colorado City/Hildale PD Policy Manual

Fatality review team.	146	COURT ORDERS, JUVENILE INFORMANTS	424
CITATIONS	300	CRIME ANALYSIS	476
CIVIL		CRIME SCENE AND DISASTER INTEGRITY	270
Liability response.	66	CRIMINAL INTELLIGENCE SYSTEMS	326
CIVIL COMMITMENTS	296	CRISIS INTERVENTION INCIDENTS	289
CIVIL DISPUTES	368	CRISIS RESPONSE UNIT	272
CLERY ACT	511	CUSTODIAL INTERROGATIONS	407
COMMAND STAFF		CUSTODIAL SEARCHES	517
Policy review.	16		
Protocol.	18	D	
COMMUNICABLE DISEASE		DAILY TRAINING BULLETINS	25
Health orders.	271	DAMAGE BY PERSONNEL	183
COMMUNICABLE DISEASES	550	DEADLY FORCE REVIEW	42
COMMUNICATIONS CENTER		DEATH	
Mandatory sharing.	197	Native American Graves (NAGPRA).	253
COMMUNICATIONS WITH PERSONS WITH		DEATH INVESTIGATION	206
DISABILITIES		DEBRIEFING	
Eyewitness identification.	429	Tactical.	67
COMMUNITY ADISORY COMMITTEE	260	Warrant service.	444
COMMUNITY RELATIONS	257	DECONFLICTION	448
COMPUTERS, DIGITAL EVIDENCE		DEFECTIVE VEHICLES	462
EVIDENCE, Digital.	408	DEFINITIONS	
CONDUCT		Terms use in policy manual.	14
Meritorious.	581	DEPARTMENT/OFFICE-OWNED PROPERTY	455
OIS.	61	Loss Or Damage.	456
Personnel complaints.	556	DEPARTMENTAL DIRECTIVES	20
CONDUCT	169	DEPENDENT ADULTS	
CONDUCT, STANDARDS OF CONDUCT	173	Safety.	240
CONFIDENTIALITY		DISCIPLINE	170
Child abuse reports.	146	Personnel complaints.	566
Communications center.	482	DISCLAIMER	14
Radio broadcasts.	338	DISCRIMINATORY HARASSMENT	
CONFIDENTIALITY, COMMUNICABLE		Complaints.	137
DISEASE INFORMATION	554	Sexual Harassment.	136
CONTACTS AND TEMPORARY DETENTIONS		Supervisor's Role.	137
Warrant service.	444	DISPUTED CLAIMS	490
CONTROL DEVICES		DNA SAMPLES	234
First amendment assemblies.	365	DOMESTIC VIOLENCE	107
Training.	308	DRIVING	
CONTROL DEVICES	50	MDT/MDC.	337
CONTROL DEVICES, DECONTAMINATION		DRIVING TACTICS	82
HAZARDOUS MATERIAL (HAZMAT)		DRIVING, SAFETY	
RESPONSE, Precautions.	551	SAFETY, Conduct.	174
CORRESPONDENCE	29		
COURT APPEARANCES	188	E	
COURT ORDERS		ELECTRONIC CIGARETTES	555
Adult abuse.	131		
Child abuse.	142		
Child custody.	241		
Civil disputes.	369		
Subpoenas.	188		

CCPD

Colorado City/Hildale PD Policy Manual

ELECTRONIC MAIL		HAZARDOUS MATERIAL (HAZMAT)	
Email	27	RESPONSE	
Personnel complaints	557	Aircraft accidents	319
EMDT	53	HELICOPTER ASSISTANCE	321
EMERGENCY OPERATIONS PLAN	21	HIGH-VISIBILITY VESTS	380
EMPLOYEE CONVICTIONS	542	HOSTAGE AND BARRICADE INCIDENTS	
ENFORCEMENT	379	CRU	272
EVALUATION	530	Rapid response and deployment	306
EVIDENCE		HOSTAGES	279
Bombs	288		
NAGPRA	253	I	
Personnel complaints	562	IDENTITY THEFT	210
Seizing recordings	352	IMMUNIZATIONS	552
EVIDENCE	483	IMPAIRED DRIVING	392
EVIDENCE, PUBLIC SAFETY VIDEO		INFORMANTS	424
SURVEILLANCE	238	INFORMATION TECHNOLOGY USE	176
EXPLOSIONS	287	INITIATE A PURSUIT	79
EXPOSURE	277	INSPECTIONS	
EYEWITNESS IDENTIFICATION	429	Firearms	69
		Vehicles	464
F		INTERNAL AFFAIRS	
FIELD SOBRIETY TESTS	392	Personnel records	575
FIELD STRIP SEARCHES	521	INVESTIGATION AND PROSECUTION	405
FIELD TRAINING OFFICER	314	INVESTIGATION AND PROSECUTION	405
FIREARMS		J	
Retiree carry	31	JEANNE CLERY CAMPUS SECURITY ACT	511
FIRST AMENDMENT ASSEMBLIES	362	JURISDICTION	
FLYING WHILE ARMED	76	Aircraft accidents	319
FOREIGN DIPLOMATIC AND CONSULAR		Authority	10
REPRESENTIVES	302	Emergency management	21
FORMS		JUVENILES	
Firearms training	75	Child	120
Personnel complaints	557		
FOUND PROPERTY	483	K	
		KEYS	
G		Vehicle	465
GANGS	328	L	
GANGS, EMPLOYEE AFFILIATION	171	LANDLORD TENANT ISSUES	370
GRIEVANCE PROCEDURE	535	LAW ENFORCEMENT AUTHORITY	9
GRIEVANCES		LIMITED ENGLISH PROFICIENCY	
Supervisor authority	14	Communications center	479
GROOMING STANDARDS	595	Eyewitness identification	429
		Immigration violations	310
H			
HATE CRIMES	165		
HAZARDOUS MATERIAL	277		

CCPD

Colorado City/Hildale PD Policy Manual

LIMITED ENGLISH PROFICIENCY	215
LINE-OF-DUTY DEATHS	609

M

MDT/MDC	
Use.	465
Vehicles.	465
MEAL PERIODS AND BREAKS	585
MEDIA	
Aircraft accidents.	320
First amendment assemblies.	366
Line-of-duty deaths.	618
OIS.	67
Operations plans.	451
Warrant service.	445
MEDIA RELATIONS	185
MEDIA REQUEST	185
MEDICAL	
Adult involuntary detention.	132
Aircraft accidents.	318
Child involuntary detention.	145
Examinations - Child abuse.	145
Examinations – Adult abuse.	132
For canines.	104
Leave Act (FMLA).	548
Personnel records.	576
Release restrictions.	498
Releases.	374
MEDICAL, TREATMENT FOR	
COMMUNICABLE DISEASE EXPOSURE	552
MINIMUM STAFFING	30
MOBILE AUDIO VIDEO	331
MOBILE AUDIO/VIDEO (MAV)	
OIS.	66
MOBILE DIGITAL TERMINAL USE	337
MUTUAL AID	
First amendment assemblies.	365
Interstate peace officer powers.	10
Warrant service.	444

N

NATIVE AMERICAN GRAVES (NAGPRA)	253
NONSWORN	
Investigation and prosecution.	405
NOTIFICATIONS	
Aircraft accidents.	319
Death.	208
Impaired driving.	393
Line-of-duty deaths.	610

NAGPRA.	253
OIS.	62
NUMERICAL FILING	494

O

OC SPRAY	51
OFFICER SAFETY	
Communications center	479, 481
Crime scene and disaster integrity.	270
Foot pursuits.	90
LEOSA.	31
Portable audio/video recorders.	341
Seat belts.	570
Warrant service.	440
OFFICER-INVOLVED SHOOTINGS AND	
DEATHS	60
OLEORESIN CAPSICUM	51
OPERATIONS PLANNING AND	
DECONFLICTION	446
ORGANIZATIONAL STRUCTURE AND	
RESPONSIBILITY	18
OUTSIDE AGENCY ASSISTANCE	196
OUTSIDE EMPLOYMENT	
Obtaining Approval.	591
Prohibited Outside Employment.	592
Security Employment.	592
OVERTIME	
Court.	190
OVERTIME PAYMENT	589

P

PARKING	465
PATROL FUNCTION	263
PEPPER PROJECTILES	51
PERFORMANCE EVALUATIONS	
Sick leave.	549
PERSONAL APPEARANCE	595
PERSONAL PROPERTY	
Loss Or Damage.	456
PERSONAL PROTECTIVE EQUIPMENT	470
PERSONNEL COMPLAINTS	556
PERSONNEL RECORDS	574
PHOTOGRAPHS	
First amendment assemblies.	363
PHYSICAL BODY CAVITY SEARCH	521
POLICY MANUAL	14
PRESS INFORMATION OFFICER (PIO)	185
PRIVACY EXPECTATIONS	
MDT/MDC.	337

CCPD

Colorado City/Hildale PD Policy Manual

Technology use.	176	RECRUITMENT AND SELECTION	524
Vehicles.	464	REFLECTORIZED VESTS	380
PRIVATE PERSONS ARRESTS	212	REGISTERED OFFENDER INFORMATION	198
PROBATIONARY EMPLOYEES, PERSONNEL		RELIGION	
COMPLAINTS	567	NAGPRA.	253
PROPERTY PROCEDURES		REPORT CORRECTIONS	184
Controlled Substances.	484	REPORT PREPARATION	182
Disputed Claims.	490	REPORTING CONVICTIONS	542
Packaging Of Property.	486	Family Violence	542, 542
Property Booking.	484	RESERVE OFFICERS/DEPUTIES	191
Property Handling.	483	Coordinator.	192
Property Release.	489	Duties.	192
PROTECTED INFORMATION		Training.	193
Communications center.	482	RESPIRATORY PROTECTION	471
PROTECTED INFORMATION	503	RESPONSE TO CALLS	94
PROTECTED INFORMATION, UNAUTHORIZED		RETALIATION	135
RELEASE		RETALIATION	538
BADGES, PATCHES AND IDENTIFICATION,		REVIEWS	
Conduct.	172	Bias-based policing - annual.	269
PROTECTIVE CUSTODY		Crisis intervention incidents.	294
Dependent adults.	131	Emergency operations plan.	21
PUBLIC ALERTS	154	Policy manual.	16
PUBLIC RECORDING OF LAW ENFORCEMENT		Public records on social media.	181
ACTIVITY	350	UAS.	437
PUBLIC SAFETY VIDEO SURVEILLANCE		Use of force.	41
VIDEO RECORDING SEE: AUDIO/VIDEO		RIDE-ALONG	
RECORDING	236	Eligibility.	274
PURSUIT INTERVENTION	86	RISK ASSESSMENT	447
PURSUIT POLICY	78		
PURSUIT UNITS	81	S	
PURSUIT		SAFE HAVEN LAW	144
Foot.	90	SAFETY	
R		Canine.	464
RANGEMASTER		Communications center.	477
Firearms.	69	First responder.	270
Inspections.	69	Media.	185
RAPID RESPONSE AND DEPLOYMENT .	306	Personal protective equipment.	470
RECORDS BUREAU		Temporary flight restrictions.	186
Administrative hearings.	398	SAFETY EQUIPMENT	
Suspicious activity reports.	372	Seat belts.	570
RECORDS RELEASE		SCHOOL EMPLOYEE REPORTING	232
Adult abuse.	133	SEARCH AND SEIZURE	114
Media.	186	SEARCH WARRANTS	441
Subpoenas and discovery requests.	500	SEARCHES	
RECORDS RELEASE, PUBLIC SAFETY VIDEO		Administrative.	564
SURVEILLANCE	238	Crime scene.	271
RECORDS REQUESTS		Dead bodies.	207
Personnel records.	576	Police vehicle inspections.	464
RECORDS RETENTION		SEAT BELTS	570
Personal protective equipment.	473	SECURITY	
		Personnel records.	576

CCPD

Colorado City/Hildale PD Policy Manual

SECURITY EMPLOYMENT	592	UNIFORM REGULATIONS	597
SEXUAL HARASSMENT	136	UNLAWFUL ASSEMBL	365
SICK LEAVE	548	UNMANNED AERIAL SYSTEM	437
SMOKING AND TOBACCO USE	555	URINE TEST	393
SOCIAL MEDIA	179	USE OF FORCE	
STRIP SEARCHES	519	First amendment assemblies.	365
SUBPOENAS		USE OF SOCIAL MEDIA	179
Records release and discovery requests.	500		
SUPERVISION DEPLOYMENTS	30		
SUPERVISION STAFFING LEVELS	30		
SUSPICIOUS ACTIVITY REPORTING	371		
T		V	
		VEHICLE MAINTENANCE	462
TAKE HOME VEHICLES	466	VEHICLES	464
TATTOOS	596	VIDEO RECORDINGS	
TEAR GAS	51	First amendment assemblies.	363
TECHNOLOGY USE	176		
TERMINATE A PURSUI	79		
TRAFFIC CITATIONS	380		
TRAFFIC FUNCTION	379		
TRAFFIC OFFICER/DEPUTY	379		
TRAINING			
Adult abuse.	134		
AED.	376		
Child abuse.	147		
Crisis intervention incidents.	295		
Emergency operations plan.	21		
Fair and objective policing.	269		
First amendment assemblies.	367		
Operation planning and deconfliction.	451		
Personal protective equipment.	473		
Personnel file.	575		
Rapid response and deployment.	308		
Social media.	181		
State mandated.	23		
UAS.	438		
Warrant service.	445		
TRAINING, ANTI-RETALIATION	541		
TRAINING, COMMUNICABLE DISEASE	554		
TRAINING, CRIMINAL INTELLIGENCE			
SYSTEMS	329		
TRAINING, PROTECTED INFORMATION	507		
TRAINING, PUBLIC SAFETY VIDEO			
SURVEILLANCE	239		
TRAINING, SEARCHES	522		
TRANSPORTING			
Children.	570		

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