

Preface

Law Enforcement Code of Ethics

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

MISSION STATEMENT/VALUES/VISION STATEMENT

MISSION STATEMENT

We work with citizens to improve quality of life, safeguard liberties, solve problems, and stop crime. We provide proactive service in professional, compassionate manner.

VALUES

Community: We are committed to preserving quality of life and protecting each of the communities in Provo.

Partnerships: We work with citizens, allied agencies, and community organizations to build trust and find lasting solutions to problems.

Accountability: We provide public safety services in a responsive, transparent manner.

Professionalism: We train officers to serve and lead in the increasingly complex profession of law enforcement. We maintain high standards of professionalism, integrity, and honor.

Respect: We believe in the dignity and worth of all persons. We treat people with respect.

VISION STATEMENT

Provo is one of the safest and healthiest communities in the country. We are committed to being reliable public safety partners to everyone. We use professionalism, training, sound judgment, and compassion to find lasting solutions to community problems and to protect quality of life.

We serve victims and protect the rights of the accused within the strict framework of the Constitution. We offer transparency and accountability for the use of police power, and we treat people with compassion and respect. We develop police professionals to be community-oriented public safety partners. We invite the public to help while we work to stop crime. We expect officers to connect with citizens and improve Provo together. Provo is beautiful, prosperous, safe, and fair. We are committed to preserving these unique qualities of our community and planning for Provo's safety into the future.

Policy 100 Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Provo City Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Sworn members of the Department shall be considered peace officers pursuant to Utah Code 53-13-102 and Utah Code 53-13-103.

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE PROVO CITY POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Provo City Police Department includes:

In compliance with an arrest warrant.

Without a warrant (Utah Code 77-7-2):

For a public offense committed or attempted in the presence of an officer.

When an officer has reasonable cause to believe that a felony or class A misdemeanor has been committed.

When an officer has reasonable cause to believe that a public offense has been committed and the person to be arrested may flee or conceal him/herself to avoid arrest, destroy or conceal evidence or injure another person or damage property.

Without a warrant when there is reasonable cause to believe that the person has committed theft (Utah Code 77-7-13).

Without a warrant when an officer has probable cause to believe that a person is driving under the influence in violation of Utah Code 41-6a-502 (Utah Code 41-6a-508).

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE PROVO CITY POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Provo City Police Department includes (Utah Code 77-9-3):

When the officer 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.

When a public offense has been committed in the presence of the officer.

When the officer is participating in an investigation of criminal activity which originated in the jurisdiction of the Provo City Police Department in cooperation with the local law enforcement authority.

When the officer is called to assist officers in another jurisdiction.

Officers should, when practicable, notify and receive approval from the local law enforcement authority prior to taking enforcement action.

100.3 CONSTITUTIONAL REQUIREMENTS

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

100.4 POLICY

It is the policy of the Provo City Police Department to limit its members to only exercise the authority granted to them by law.

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

Policy 102 Oath of Office

102.1 PURPOSE AND SCOPE

Officers of the Department 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 Provo City Police Department that department members are required to affirm the oath of their office prior to assuming sworn status as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (Utah Constitution Article IV § 10).

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear."

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Utah Code 52-1-2 et seq.).

Policy 103 Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Provo City Police Department 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 department. 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 department 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 Provo City Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training, or discipline. The Provo City Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police 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 Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives 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:

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

City - The City of Provo.

Non-sworn - Employees and volunteers who are not sworn peace officers.

Department/PPD - The Provo City Police Department.

DMV - The Department of Motor Vehicles.

Employee/personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18-years.

Manual - The Provo City Police Department Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Member - Any person employed or appointed by the Provo City Police Department, including full-time sworn officers, reserve officers, non-sworn employees, and volunteers.

Officer - Those employees, regardless of rank, who are sworn peace officer employees of the Provo City Police Department.

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

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

POST - The Utah Peace Officer Standards and Training Division.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other department 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., officer-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 department 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 department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police 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 Departmental Directives. 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 Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

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

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

Policy 200 Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Provo City Police Department. There are four divisions in the Police Department as follows:

Patrol Division

Operational Support Services Division

Special Operations Division

Criminal Investigations Division

200.2.1 PATROL DIVISION

The Patrol Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Patrol Division consists of Uniformed Patrol, Traffic, Airport, Parking Enforcement, School Crossing Guards, Animal Control and Crime Analyst.

200.2.2 OPERATIONAL SUPPORT SERVICES DIVISION

The Operational Support Services Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Operational Support Services Division consists of the Communications Center, Property Bureau, Records Bureau, Payroll, Purchasing, Special Events, Fleet, Body Worn Camera's, OPST and Training.

200.2.3 SPECIAL OPERATIONS DIVISION

The Special Operations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Special Operations Division. The Special Operations Division consists of School Resource Officers, Community Resource Officers, Special Enforcement Team, VIPS, and Provo officers assigned to the Utah County Major Crimes Task Force.

200.2.4 CRIMINAL INVESTIGATIONS DIVISION

The Criminal Investigations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Investigations Division. The Criminal Investigations Division consists of Criminal Investigations, Special Victims Unit, Forensic Services and Victim Advocates.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate the Assistant Chief of Police or a Division Commander to serve as the acting Chief of Police.

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

- (a) Assistant Chief of Police
- (b) Patrol Division Commander
- (c) Investigations Division Commander
- (d) Operational Support Division Commander
- (e) Special Operations Division Commander
- (f) Watch Commander

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. 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., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

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.

200.4 AUTHORITY AND RESPONSIBILITY

Consistent with the principles of sound supervisory practices, all supervisory personnel will be held accountable for the performance of their subordinates.

Irrespective of rank, each employee within the organization has clearly articulated duties and responsibilities. Each employee is hereby delegated the authority necessary to effectively execute those responsibilities. Each employee will also be held accountable for the appropriate application of that delegated authority.

Policy 201 Departmental Directive

201.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policies.

Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify an existing policy or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 09-01 signifies the first Departmental Directive for the year 2009.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The Staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

201.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Departmental Directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

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

Policy 202 Emergency Management Plan

202.1 PURPOSE AND SCOPE

The City has prepared an Emergency Management Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

202.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in several ways. For the Police Department, the Chief of Police or the highest-ranking official on-duty may activate the Emergency Management Plan in response to a major emergency.

202.2.1 RECALL OF PERSONNEL

If the Emergency Management Plan is activated, all employees of the Provo City Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

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

202.3 LOCATION OF MANUALS

The manual for the employees is available in Patrol and the Watch Commander's office. All supervisors should familiarize themselves with the Emergency

Management Plan and what roles police personnel will play when the plan is implemented.

202.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the public safety services building, all employees shall follow implemented evacuation plans and posted exit strategies. The posted exit strategies shall include any special directions for physically impaired employees.

202.5 UPDATING OF MANUALS

The Chief of Police or designee shall review and update, if necessary, the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS).

Policy 203 Training

203.1 PURPOSE AND SCOPE

It is the policy of the Department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever possible, the Department will use courses certified by the Utah Peace Officer Standards and Training Division (POST).

203.3 OBJECTIVES

The objectives of the Training Program are to:

Enhance the level of law enforcement service to the public.

Increase the technical expertise and overall effectiveness of our personnel.

Provide for continued professional development of Department personnel.

203.4 TRAINING PLAN

A training plan will be developed and maintained by OPST. It is the responsibility of OPST to maintain, review and update the training plan on an annual basis. The plan will address the following state requirements:

Compliance with POST mandated annual certified training of not less than 40 hours (Utah Code 53-6-202(4)(a)).

Firearms qualifications.

Emergency vehicle operations.

Arrest control tactics (defensive tactics).

Annual training shall include no less than 16 hours of training focused on mental health and other crisis intervention responses, arrest control, and de-escalation training.

The plan should also address the following Department requirements:

Legislative Changes

State Mandated Training

Critical Issues Training

High risk, low frequency incident training

Utah Police Officer Standards and Training

Sworn Officers of the Department will receive no less than forty (40) hours of Utah POST certified training per year.

Dispatchers of the Department will receive no less than twenty (20) hours Utah POST certified training per year, twelve of those hours are to be dedicated to Emergency Medical Dispatching.

203.5 TRAINING NEEDS ASSESSMENT

OPST will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by Staff. Upon approval by the Staff, the needs assessment will form the basis of the training plan for the fiscal year.

203.6 TRAINING PROCEDURES

All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:

Court appearances.

Sick leave.

Physical limitations preventing the employee's participation.

Emergency situations.

When an employee is unable to attend mandatory training, that employee shall:

Notify his/her supervisor as soon as possible, but no later than two hours prior to the start of training.

Document his/her absence in a memorandum to his/her supervisor.

Make arrangements through his/her supervisor and OPST to attend an alternate date.

203.7 REPORTING

The Training Officer shall ensure that all required training records are forwarded to POST in the appropriate format pursuant to UAC R728-410-6.

Policy 205 Administrative Communications

205.1 PURPOSE AND SCOPE

Administrative communications of the Department are governed by the following policies.

205.2 PERSONNEL DIRECTIVES

Personnel Directives may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterheads shall bear the signature element of the Chief of Police. Personnel

should use Department letterhead only for official business and with approval of their supervisor.

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Commander.

Policy 207 Concealed Weapon License

207.1 PURPOSE AND SCOPE

Concealed weapon permit holders are subject to suspension or revocation of the permit upon commission of certain acts. This policy will provide guidance to the officer for notification to the Bureau of Criminal Identification of circumstances that may be grounds for review of a concealed weapon permit (Utah Code 53-5-704).

207.2 QUALIFIED APPLICANTS

In order to continue to qualify for a permit to carry a concealed weapon, a person (Utah Code 53-5-704):

Must not have been convicted of a felony.

Must not have been convicted of any crime of violence.

Must not have been convicted of any offense involving the use of alcohol.

Must not have been convicted of any offenses involving the unlawful use of narcotics or other controlled substances.

Must not have been convicted of any offenses involving moral turpitude, as defined in UAC R722-300-3.

Must not have been convicted of any offense involving domestic violence.

Must not have been adjudicated by a court of a state or of the United States as mentally incompetent, unless the adjudication has been withdrawn or reversed; must not have been committed to a mental institution or found not guilty by reason of insanity for a felony offense; and must not have been found mentally incompetent to stand trial for a felony offense.

Must not be a person who is illegally or unlawfully in the United States.

Must not have been dishonorably discharged from the armed forces.

Must not have renounced his/her citizenship after having been a citizen of the United States.

Must not have committed any crime or act that would disqualify the person from possession of a weapon under federal law.

Must not be on the voluntary restricted list (Utah Code § 53-5c-301).

An officer who has reason to believe that a concealed weapon permit holder or applicant has violated one of the foregoing provisions should notify the Department of Public Safety Bureau of Criminal Identification and document the reasons in an information report. The Bureau of Criminal Identification may then review the person's eligibility to hold a concealed weapon permit.

Policy 300 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 department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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 officer or another person.

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

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 officer at the time, taken as a whole, including the conduct of the officer 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. Officers are involved daily in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

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

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

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer 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 officer 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

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions

about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions 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 an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force to effect arrest, to prevent escape or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense using reasonable force to effect the arrest or to prevent escape or to overcome resistance (Utah Code 77-7-7).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, several factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

Immediacy and severity of the threat to officers or others.

The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

The effects of suspected drug or alcohol use.

The individual's mental state or capacity.

The individual's ability to understand and comply with officer commands.

Proximity of weapons or dangerous improvised devices.

The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

The availability of other reasonable and feasible options and their possible effectiveness.

Seriousness of the suspected offense or reason for contact with the individual.

Training and experience of the officer.

Potential for injury to officers, suspects, and others.

Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

The risk and reasonably foreseeable consequences of escape.

The apparent need for immediate control of the individual or a prompt resolution of the situation.

Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

Prior contacts with the individual or awareness of any propensity for violence.

Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

The degree to which the application of the technique may be controlled given the level of resistance.

Whether the individual can comply with the direction or orders of the officer.

Whether the individual has been given sufficient opportunity to comply.

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

300.3.4 CAROTID CONTROL HOLD

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 or death, the use of the carotid control hold is subject to the following:

The Department recognizes the carotid control hold is no longer taught by Utah Police Officer Standards and Training or by the Provo Police Department.

The carotid control hold shall be considered deadly force and officers will use this hold only in defense of human life.

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 examined by paramedics or other appropriate medical personnel.

The officer 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 subject lost consciousness as a result.

Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers 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).

300.3.6 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold. An officer may not restrain a person by the application of a knee applying pressure to the neck or throat of a person (Utah Code 53-13-115).

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer 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 officer has objectively reasonable grounds to believe the person is aware of those facts. Only the force necessary to effect lawful objectives will be used.

Use of deadly force is justified in the following circumstances involving an imminent threat or imminent risk (Utah Code 76-2-404):

a. The officer is effecting an arrest or preventing escape from custody following an arrest if the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and

The officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or

The officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect if apprehension is delayed; or

b. The officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.

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

The discharge of warning shots is prohibited.

All sworn personnel will receive and demonstrate understanding of this directive before being authorized to carry any firearm.

300.4.1 MOVING VEHICLES

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

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

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

Officers should not shoot at any part of a vehicle to disable the vehicle.

300.4.2 HOSTAGES

The firing at hostage takers requires the same legal standards as other shootings i.e., 76-2-404. However, shooting at a hostage taker may only be undertaken when there is a high probability that such a shooting can be accomplished without endangering hostages or others.

As the probability of hostages being in life threatening jeopardy increases, the margin of safety required for firing at a hostage taker, with respect to hostage safety, may diminish proportionately.

Agreeing to surrender oneself or one's weapon to a suspect holding a hostage gives the suspect an additional hostage or an additional weapon, thus complicating the decision for the next officer encountering the suspect. Each officer should retain his/her weapon, seek cover and concealment, but never give the suspect an opportunity to obtain additional weapons or hostages.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the

incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department requires the completion of an arrest or crime report and the Blue Team Use of Force Report.

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:

The application caused a visible injury.

The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

The individual subjected to the force complained of injury or continuing pain.

The individual indicates intent to pursue litigation.

Any application of the TASER® device or control device.

Any application of a restraint device other than handcuffs, shackles, or belly chains.

The individual subjected to the force was rendered unconscious.

An individual was struck or kicked.

An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 REPORTING THE THREAT OF FORCE

When an officer points a firearm or a taser while displaying an electrical current at an individual, the officer shall report the incident in accordance with Utah Code 53-13-116.

Reports shall be submitted within 48 hours of the incident and should include at a minimum (Utah Code 53-13-116):

A description of the incident.

The identification of the individuals involved in the incident.

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 he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes 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 (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

300.7 SUPERVISOR RESPONSIBILITIES

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

Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

Ensure that any injured parties are examined and treated.

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:

The content of the interview should not be summarized or included in any related criminal charges.

The fact that a recorded interview was conducted should be documented in a property or other report.

The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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.

Identify any witnesses not already included in related reports.

Review and approve all related reports.

Determine if there is any indication that the individual may pursue civil litigation.

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.

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.

If 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.

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.7.2 USE OF FORCE REVIEW BOARD

Each Use of Force report will be reviewed using Force Review Board Supervisor.

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

A Division Commander can convene the Use of Force Review Board as necessary.

OPST may request the Use of Force Review Board review any use of force incident or series of use of force incidents generated through the Early Warning System.

The Use of Force Review Board Supervisor can request the Use of Force Review Board review any use of force incident.

It will be the responsibility of the Use of Force Review Board Supervisor to notify the Chief of Police of any incidents requiring board review.

A use of force review should be completed within a thirty day time frame.

300.7.3 COMPOSITION OF THE BOARD

The Use of Force Review Board shall be comprised of the following persons:

The Use of Force Review Board Supervisor.

The supervisor of the department arrest control/defensive tactics instructors' team.

The supervisor of the department Conducted Energy Device/TASER instructors' team.

The Use of Force Review Board Supervisor will be of the rank of Lieutenant or Captain. The Use of Force Review Board Supervisor will be designated by the Chief of Police.

300.7.4 RESPONSIBILITIES OF THE BOARD

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

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request 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 review process.

The board does not have the authority to recommend discipline.

The Chief of Police 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 should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures, and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures and any applicable state or federal law.

The board shall make one of the following recommended findings:

The employee's actions were within department policy and procedure.

The employee's actions were in violation of department policy and procedure.

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 Use of Force Review Board Supervisor will submit the written recommendation to the Chief of Police.

The Chief of Police 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 Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of

Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

300.8 TRAINING

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

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

Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

De-escalation tactics, including alternatives to force.

Policy 302 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 Provo City Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

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

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

The circumstances or crime leading to the arrest.

The demeanor and behavior of the arrested person.

The age and health of the person.

Whether the person is known to be pregnant.

Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front 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 an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

302.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.3.4 NOTIFICATIONS

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

Whenever a prisoner who has been handcuffed complains of discomfort from the handcuffs, the officer to whom the complaint is made shall immediately check the handcuff and ascertain whether they had been placed on the prisoner too tightly. If the complaint appears to be justifiable the officer shall make whatever adjustments are necessary, however, he is at no time to do so in such a way as to jeopardize his own safety.

Suspects are never to be handcuffed to an officer. Nor is he/she to be handcuffed to a fixed object unless the tactical situation warrants it. In such cases the circumstances must be meticulously documented in the Arrest Report setting forth the reason for handcuffing the suspect to a fixed object.

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.

302.4.1 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of injury, or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics and imperviousness to pain (sometimes called "excited delirium") or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal shall be fully documented in related reports and a supervisor should be notified. Whenever practical, the refusal should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others. Spit hoods shall be made of a breathable material.

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg 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 department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

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:

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

Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility, or the person no longer reasonably appears to pose a threat.

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.

The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

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

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

The amount of time the suspect was restrained.

How the suspect was transported and the position of the suspect.

Observations of the suspect's behavior and any signs of physiological problems.

Any known or suspected drug use or other medical problems.

Policy 303 Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Provo City Police Department authorizes officers 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 department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

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

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

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

303.4 RESPONSIBILITIES

303.4.1 WATCH COMMANDER RESPONSIBILITIES

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

303.4.2 FIREARMS STAFF RESPONSIBILITIES

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

SWAT quarter master shall control the inventory and issuance of SWAT control devices 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 designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to Quarter master for disposition. A memo shall also be completed and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

303.7.1 OC SPRAY

All sworn officers, uniform and plainclothes, shall carry department issued OC spray while on duty. Uniformed personnel carrying OC spray shall carry the

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

The Division Commander may authorize a deviation from this standard under specific tactical situations when good cause is shown that the routine standard will prove impractical or detrimental.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC SPRAY 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. Those persons who complain of further severe 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, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used to de-escalate a potentially deadly situation.

303.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

The suspect has made credible threats to harm him/herself or others.

The suspect is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers.

There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

Distance and angle to target.

Type of munitions employed.

Type and thickness of subject's clothing.

The subject's proximity to others.

The location of the subject.

Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

303.9.3 SAFETY PROCEDURES ACCEPT ALL

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such. (Orange or red stocks)

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

Shotgun will be carried in the "cruiser safe" condition with a loaded magazine and no round in the chamber, and properly secured stored in the patrol car.

303.10 TRAINING FOR CONTROL DEVICES

The Training Officer 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.

Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

All training and proficiency for control devices will be documented in the officer's training file.

Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Policy 304 Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

The TASER® device is intended to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER 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 department's inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed and non-uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person.

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

Officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon,

All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

Whenever practicable, officers should carry one extra cartridge on their person when carrying the TASER device.

Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

Officers should not hold both a firearm and the TASER device at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

Provide the individual with a reasonable opportunity to voluntarily comply.

Provide other officers and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer 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 TASER 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 officer deploying the TASER device in the related report.

304.5 USE OF THE TASER DEVICE

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

304.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person: The subject is violent or is physically resisting.

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 officers, him/herself, or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER 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 officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

Individuals who are known to be pregnant.

Elderly individuals or obvious juveniles.

Individuals with obviously low body mass.

Individuals who are handcuffed or otherwise restrained.

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.

Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest, and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 TASER SAFETY

It should be remembered always that when the TASER device has a cartridge engaged, probes can be fired. Great care shall be taken to make sure the TASER device is always pointed in a safe direction.

When doing a "spark check" the officer must make sure the cartridge has been removed.

The TASER device shall be securely stored at all times when not in use. An officer shall always keep the TASER device and cartridges out of reach of children.

304.5.5 MULTIPLE APPLICATIONS OF THE EMDT DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

Whether the probes are making proper contact.

Whether the individual has the ability and has been given a reasonable opportunity to comply.

Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

304.5.6 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. Photographs will be taken of probe impact sites and any other related injuries when practical and by appropriate personnel. The expended cartridge, along with both probes and wire, should be collected and ultimately properly disposed of. The cartridge serial number should be noted and documented on the arrest/crime report. The TASER device shall be placed in quartermaster for safe keeping. The supervisor of the department Conducted Energy Device/TASER instructors' team shall be notified of the TASER device deployment and current location.

304.5.7 DANGEROUS ANIMALS

The TASER 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

Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER 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

Officers shall document all TASER device discharges in the related arrest/crime report and Blue Team use of force report. Notification shall also be made to a

supervisor in compliance with the Use of Force Policy. Pointing the device at a person, laser activation/display and arcing the device/display will also be documented in the related arrest/crime report and Blue Team use of force report (Utah Code 53-13-116).

Notification shall be made to a supervisor in instances of unintentional discharges. The officer shall complete a memo and present it to their Watch Commander.

304.6.1 REPORTS

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

Identification of all personnel firing TASER devices

Identification of all witnesses

Medical care provided to the subject

Observations of the subject's physical and physiological actions

Any known or suspected drug use, intoxication, or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharp's biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER 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:

The person is suspected of being under the influence of controlled substances and/or alcohol.

The person may be pregnant.

The person reasonably appears to need medical attention.

The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) 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 officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

304.8 SUPERVISOR RESPONSIBILITIES

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

The first supervisor on scene should ensure that proper care is given to injured officers and/or citizens. He/She should ensure all responsibilities of the officer have been carried out regarding care for the injured, apprehension of the suspects and protection of the scene.

Photographs of probe sites should be taken, and witnesses interviewed.

The supervisor shall ensure the proper notifications of Department staff are made in the case of a traumatic injury occurring due to the use of force involving the TASER device, or in cases where inappropriate use of the TASER device is alleged.

In the case of a traumatic injury occurring due to the use of force involving the TASER device, the on-scene supervisor will notify the on-call detective to investigate the incident.

The "Utah County Law Enforcement Officer Involved Incident Protocol Task Force" will be called in incidents of TASER device use where the subject experiences death.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The TASER device shall be placed in quartermaster for safekeeping. The supervisor of the department Conducted Energy Device/TASER instructors' team shall be notified of the TASER device deployment and current location. The device's onboard memory should be downloaded through the data port by the supervisor of the department Conducted Energy Device/TASER instructors' team and saved with the related arrest/crime report.

Also see Provo City Police Department Policy "Use of Force"

304.9 TRAINING

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

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Officer. All training and proficiency for TASER devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

304.10 TRAINING OFFICER

The Training Officer is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification. Application of TASER devices during training could result in injury to personnel and is not mandatory for certification.

The Training Officer 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 accidentally drawing and firing a firearm.
- d. Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest, and groin.
- e. Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- f. De-escalation techniques.
- g. Restraint techniques that do not impair respiration following the application of the TASER device.

The supervisor of the department's Conducted Energy Device/TASER instructors' team shall be required to ensure each Department TASER is downloaded bi-annually to retrieve TASER device deployment information and to ensure the internal clock of the TASER is appropriately set. The TASER device deployment information should be kept electronically by the Department for a minimum of five years.

Policy 305 Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 INVESTIGATION RESPONSIBILITY

This department conforms to the Utah County Law Enforcement Officer Involved Incident Protocol for investigating officer-involved shootings.

The Chief of Police may alter any investigation responsibility as he/she deems necessary.

305.3 TYPES OF INVESTIGATIONS

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

- a. A criminal investigation of the incident by the Utah County Law Enforcement Officer Involved Incident Protocol Task Force or an outside agency.
- b. A criminal investigation of the involved officer(s) conducted by the Utah County Law Enforcement Officer Involved Incident Protocol Task Force or an outside agency.
- c. A criminal investigation of the suspects actions conducted by the Utah County Law Enforcement Officer Incident Protocol Task Force or an outside agency.
- d. A civil investigation to determine potential liability conducted by the Utah County Law Enforcement Officer Involved Incident Protocol Task Force or an outside agency.
- e. An administrative investigation as to policy compliance by involved officers conducted by the involved officer's agency to determine if there were any violations of any Department policy.

305.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings.

305.4.1 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved incidents.

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
PPD Officer in This Jurisdiction	UCLEOIIPTF Investigators	UCLEOIIPTF Investigators	UCLEOIIPTF Investigators	PPD OPST
Allied Agency's Officer in This Jurisdiction	UCLEOIIPTF Investigators	UCLEOIIPTF Investigators	Involved Officer's Department	Involved Officer's Department

PPD Officer in Another Jurisdiction	Decision made by agency where incident occurred	Decision made by agency where incident occurred	PPD OPST	PPD OPST
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305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

Investigation Responsibility Matrix

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved PPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer 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 Department 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 PPD supervisor should ensure completion of the duties as outlined above, plus:

- a. Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. 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 officer.
- b. If necessary, the supervisor may administratively order any PPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. 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.
 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- c. Provide all available information to the Watch Commander 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 PPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- e. As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved PPD officer should be given an administrative order not to discuss the incident with other involved officers or PPD members pending further direction from a supervisor.
 2. When an involved officer's 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 officers.

305.5.3 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Watch Commander.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Criminal Investigations Division Commander
- The Utah County Law Enforcement Officer Involved Incident Protocol Task Force team.
- Outside agency investigators (if appropriate)
- O.P.S.T. supervisor
- Psychological/peer support personnel
- Chaplain
- [Medical Examiner/JOP] (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer
- County Attorney (Utah Code 76-2-408)

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- a. Any request for legal or union representation will be accommodated.
 - a. Involved PPD officers 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.
 - b. Requests from involved non-PPD officers 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 Department to each involved PPD officer at no expense. A licensed psychotherapist may also be provided to any other affected PPD members, upon request at no expense.
 - a. Interviews with a licensed psychotherapist will be considered privileged.
 - b. An interview or session with a licensed psychotherapist may take place prior to the member providing 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 with a peer support team member will be considered privileged to the extent provided in Utah Code 78B-5-903.

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

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

305.6 CRIMINAL INVESTIGATION

The UCLEOIIPTF and County 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 department may be assigned to partner with investigators from outside agencies or the County Attorneys '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. PPD supervisors and O.P.S.T. personnel should not participate directly in any voluntary interview of PPD officers. This will not prohibit such

personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

- 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, to maintain the integrity of each involved officer's statement, involved officers 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 PPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved PPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved PPD officers may write the report, 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 PPD officer 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 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 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 Department.
 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 Criminal Investigation Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the County Attorney's Office/UCLEOIIPTF and may be assigned to separately handle the

investigation of any related crimes not being investigated by the County Attorney's Office/UCLEOIIPTF.

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

305.6.4 STATUTORY MANDATES RELATED TO CRIMINAL INVESTIGATIONS OF CRITICAL INCIDENTS

The Watch Commander shall notify the County Attorney as soon as practical if the following critical incidents occur within the jurisdiction of the Provo City Police Department, whether an involved law enforcement officer is a department 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 Chief of Police or authorized 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 other than the Provo City Police Department will criminally investigate the actions of members who may have caused or contributed to a critical incident (Utah Code 76-2-408).

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation to determine conformance with all department policy. This investigation will be conducted under the supervision of O.P.S.T. and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- a. Any officer 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 officer, such compelled samples, and the results of any such testing shall not be disclosed to any criminal investigative agency.
- b. If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- c. In the event that an involved officer 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.
 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.
 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will

be for administrative purposes only and that the statement cannot be used criminally.

5. O.P.S.T shall compile all relevant information and reports necessary for the Department 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 a potential violation of any policy shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department 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 but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

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 City Attorney's Office, as appropriate.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Provo City Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Division Commander of the officer involved in the critical incident is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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 shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., [dispatcher], other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and O.P.S.T personnel.

305.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should 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 supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Criminal Investigations Division Commander and Public Information Officer in the event of inquiries from the media.

No involved PPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.

Department 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.

305.11.1 DEPARTMENT WEBSITE

This policy shall be published on the department website along with any related written procedures and protocols (Utah Code 76-2-408).

Policy 306 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.

306.2 POLICY

The Provo City Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department 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 Department and have been thoroughly inspected by the Firearms staff. 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 at an authorized department range.

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

306.3.1 HANDGUNS

The authorized department-issued handgun is the 9mm Glock 17 and Glock 45. The Chief of Police may authorize an alternate service handgun to officers or units assigned to specialized duty. The department authorizes personally owned duty handguns as recommend by the firearms training committee and approved by the Chief of Police.

306.3.2 SHOTGUNS

The department issues shotguns for use with "less lethal" munitions only. All department shotguns issued for less lethal use shall be clearly identified with orange stocks. Only department issued less lethal ammunition may be used in these firearms.

306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15 pattern rifle hereafter referred to as the AR-15. The Chief of Police may authorize alternate service patrol rifles. The department authorizes personally owned duty rifles and calibers as recommended by the firearms training committee and approved by the Chief of Police.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.

- g. When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- a. The firearm shall be in good working order.
- b. The firearm shall be inspected by the Firearms Training Staff prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- c. Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- d. Members shall provide written notice of the make, model, serial number and caliber of the firearm to the Firearms Training Staff, who will maintain a list of the information.
- e. Firearms staff may deny permission to carry any make or model that is deemed unsuitable.
- f. All handguns must have a dark blued or flat black exterior finish to maintain uniformity.

306.3.5 AUTHORIZED SECONDARY HANDGUN

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

- a. The handgun shall be in good working order and suitable for concealment.
- b. Only one secondary handgun may be carried at a time.
- c. The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

- d. The handgun shall be always carried concealed and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
- e. The handgun shall be inspected by the Firearms Training Staff prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- f. Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- g. Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- h. Members shall provide written notice of the make, model, color, serial number, and caliber of a secondary handgun to the Firearms Training Staff, who will maintain a list of the information.
- i. Firearms staff may deny permission to carry any make or model that is deemed unsuitable.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

Members may carry department issued or personally owned firearms off-duty. When carrying firearms off duty members shall also carry police identification and a badge. The Chief of Police may rescind authority to carry under authority as peace officers should circumstances dictate (e.g., administrative leave).

306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition except as described in section 306.3.5. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. The department shall issue duty and training ammunition for department and approved personally owned duty weapons. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms staff when needed, in accordance with established policy.

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

All firearms approved for duty use shall be inspected annually by a department armorer or certified gunsmith. Department owned firearms shall be inspected by department armorers only.

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

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms staff.

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

306.4.2 HOLSTERS

Only holsters approved by the firearms training committee shall be used and worn by members while on duty. Members shall maintain 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 duty fire arms after they have been examined and approved by the Firearms Training Staff once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality.

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a duty firearm after it has been examined and approved by the Firearms staff. 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.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- 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 Firearms staff. Members shall not dry fire or practice quick draws except as instructed by the Firearms staff or other firearms training staff.
- c. Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing devices are present.
- d. Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing 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.
- e. Any firearm authorized by the Department to be carried 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 Department, or a Firearms staff approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms staff 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 AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition.

Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing devices where available.

Members shall make all department owned firearms, personally owned firearms approved for duty use, and related firearms equipment available for annual inspection by the Department Armorer at the direction of the Firearms Training Coordinator.

306.5.2 STORAGE AT HOME

Members shall ensure that all firearms are 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 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, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on duty are required to successfully complete training quarterly. In addition to quarterly training, which may include range training and simulator training, all members will qualify at least annually with their duty firearms. Training and qualifications must be on an approved range course.

Prior to any use or possession of firearms, officers must demonstrate specified proficiency in the use of that firearm, and such requirement is met at least annually as a condition of continuing use and possession of such firearm.

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.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action, as stated in civil service rule 9-7(r).

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on or off-duty, shall notify 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.

SUPERVISOR RESPONSIBILITIES-

A supervisor shall file an incident report in Blue-Team and forward it through their chain of command. The report will be presented to the division commander.

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 to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, air rifle, 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. Before destroying the animal, the officer shall obtain either the judgment of a veterinarian or of two reputable citizens called by the officer to view the animal in the presence of the officer or shall obtain consent to the destruction from the owner of the animal (Utah Code 76-9-305(3)).

306.8 FIREARMS STAFF DUTIES

The Firearms staff shall complete and submit to OPST documentation of the training courses provided. Documentation shall include the qualifications and a description of the training. The Firearms staff should submit accurate records of all training shoots, qualifications, repairs, maintenance, or other records to OPST.

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 officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- a. Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- b. Officers must carry their Provo City Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- c. The Provo City Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Provo City Police Department an NLETS message containing a unique alphanumeric identifier. The officer 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 Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- e. Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- f. It is the officer'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 officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- h. Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm always concealed on his/her person. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- i. Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- j. Officers 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 officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- a. The officer shall carry his/her Provo City Police Department identification card whenever carrying such firearm.
- b. The officer is not the subject of any current disciplinary action.
- c. The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

- d. The officer will remain subject to this and all other department policies (including qualifying and training).

Officers 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 an officer 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.

Policy 307 Vehicle Pursuits

307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where a department policy would permit the initiation or continuation of a pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors in the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable, i.e. what a reasonable officer would do under the circumstances. An unreasonable

individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

307.1.1 DEFINITIONS

Definitions related to this policy include (Utah Administrative Code UAC R728-503-2):

Authorized Emergency Pursuit Vehicle - law enforcement vehicle, either marked or unmarked, properly equipped with audible sirens and visual lights owned and operated by a public agency.

Primary unit - the authorized emergency pursuit vehicle that initiates a pursuit or assumes control of the pursuit as the lead vehicle immediately behind the fleeing suspect.

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

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

Channelization - A technique similar to a roadblock, where objects are placed in the anticipated (or actual) path of a pursued vehicle with the intent of altering the vehicle's direction of travel.

Paralleling - Participating in the pursuit by proceeding in the same direction and maintaining approximately the same speed while traveling on an alternate street or highway that parallels the pursuit route.

Pursuit intervention - An attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police vehicle into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

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

Roadblocks - When deadly force is warranted, establishing a physical impediment to traffic as a means of stopping a vehicle using actual physical obstructions or barricades.

Tire deflating device - Tire-deflating spikes utilized to deflate the suspect vehicle's tires.

Trailing - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment.

Vehicle pursuit - An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive and unlawful tactics.

307.1.2 AUTHORIZED OFFICERS

It is the policy of the Provo Police Department that law enforcement officers as defined in Utah Code 53-13-103, (excludes cadets or animal control officers regardless of peace officer certification) may conduct pursuits in compliance with applicable law, sound professional judgment and the procedures outlined in this policy.

307.2 OFFICER RESPONSIBILITIES

It shall be the policy of the Department that a vehicle pursuit shall be conducted only with emergency lights and siren as required by Utah Code 41-6a-212 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Utah Code 41-6a-212.

307.2.1 WHEN TO INITIATE A PURSUIT

Officers in a Department vehicle with operable emergency vehicle equipment and radio may initiate a vehicular pursuit when the following criteria are met (UAC R728-503-4):

The suspect exhibits the intention to avoid apprehension through evasive or unlawful tactics and

The suspect operating the vehicle refuses to stop at the direction of the officer and
The suspect has committed a forcible felony (under Utah Code 76.2.402(4))such as robbery, rape, burglary where a weapon is involved, homicide or attempted homicide and the suspect poses an imminent danger if not apprehended immediately.

In exigent circumstances an officer may pursue only if there is a reasonable belief that the continuing conduct of the violator presents an immediate and life-threatening danger to the public, officers or the violator. Officers will constantly assess this threat and if it lessens, they should respond appropriately. Communications shall ensure the supervisor is aware of the officers' actions and the supervisor shall render an immediate decision to continue or discontinue the pursuit or action. The act of fleeing shall not in and of itself create the exigent circumstances.

Department vehicles that do not possess operable emergency vehicle equipment and an operable police radio will not be involved in a pursuit. The following factors individually and collectively shall also be considered in deciding whether to initiate or continue a pursuit:

The performance capabilities of the pursuit vehicle.

The condition of the road surface upon which the pursuit is being conducted.

The amount of vehicular and pedestrian traffic in the area.

The weather conditions.

The offense for which the subject will be pursued.

Any potential or existing hazards.

Familiarity with the area and road.

The likelihood of successful apprehension.

The nature of the location, such as residential, business, school zone, etc.

The vehicle you are operating is unmarked.

Any other pertinent factors.

c. Officers will NOT pursue for any traffic offense, misdemeanors, or non-forcible felonies; except, where the officer's pursuit does not require high speed or other

aggressive driving techniques but merely involves following the suspected offender at legal speeds and conditions or as otherwise directed in this policy.

307.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known, or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed above are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, pedestrians and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicles.

In addition to the factors, listed above the following factors should also be considered in deciding whether to terminate a pursuit (UAC R728-503-9):

Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

Pursued vehicle's location is no longer definitely known.

Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

The danger posed by the continued pursuit to the public, the officers or the suspect is greater than the value of apprehending the suspect.

Weather or traffic conditions substantially increase the danger of the pursuit beyond the benefit of apprehending the suspect.

If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender later.

The pursuit is terminated by a supervisor.

The officer is unfamiliar with the area and is unable to accurately notify dispatch of the location and direction of the pursuit.

The violator is driving the wrong way on a limited access highway or one-way road.

In the officer's opinion, the actions of allied agencies are beyond the control of the Department and these actions seriously increase the potential hazard of the pursuit. In such cases the allied agencies will be notified of the discontinuance of The Department's participation in the pursuit.

Air support is available to track the suspect.

Pursuits will terminate at the state line unless exigent circumstances exist.

When an officer terminates a pursuit, the officer shall turn off the siren and emergency lights, pull the vehicle to the side of the road and stop.

307.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

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

Pursuit speeds have become unsafe for the surrounding conditions.

Pursuit speeds have exceeded the driving ability of the officer.

Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

307.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles and, if warranted under the circumstances, a supervisor. However, the number of units involved will vary with the circumstances (UAC R728-503-5). An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit but should remain

alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

307.3.1 MOTORCYCLE OFFICERS

A motorcycle may be used for pursuit in exigent circumstance and when weather and related conditions allow.

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit vehicle as soon as practicable.

307.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles without emergency equipment are generally prohibited from becoming involved in a pursuit.

All unmarked units will relinquish the primary or secondary role in a pursuit to a marked vehicle as soon as practicable (UAC R728-503-7).

307.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing vehicle will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons (UAC R728-503-7).

The pursuing officer shall activate headlights and all emergency equipment upon initiating a pursuit.

The pursuing officer shall immediately notify the Dispatch Center that a vehicle pursuit has been initiated. Use of plain English transmissions is encouraged, rather than using the 10-code. As soon as practicable the officer shall provide the Dispatch Center information including, but not limited to:

Unit identification.

Location, speed, and direction of travel of the fleeing vehicle.

Description of the fleeing vehicle and license number, if known.

Number of known occupants.

The identity or description of the known occupants.

Reason for initiating the pursuit.

Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards.

Unless relieved by a supervisor or secondary vehicle, the officer in the primary vehicle shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and to concentrate on pursuit driving, the primary officer should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary vehicle or aircraft joining the pursuit as soon as practical.

307.3.4 SECONDARY UNIT RESPONSIBILITIES

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

The officer in the secondary vehicle should immediately notify the dispatcher of entry into the pursuit.

Remain a safe distance behind the primary vehicle unless directed to assume the role of primary officer, or if the primary vehicle is unable to continue the pursuit.

The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

307.3.5 PURSUIT DRIVING TACTICS

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

Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

Because intersections can present increased risks, the following tactics should be considered:

Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit to warn cross traffic.

Pursuing units should exercise due caution when proceeding through controlled intersections.

Officers should generally not pursue a vehicle that is driving left of center (wrong way) on a roadway.

Officers shall notify the Utah Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary vehicle or a supervisor.

307.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There shall be no paralleling of the pursuit route (Utah Administrative Code UAC R728-503-7). Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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

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

307.3.7 PURSUIT TRAILING

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

If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

307.3.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air vehicle has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

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

307.4 SUPERVISORY CONTROL AND RESPONSIBILITY

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department. When reasonably possible, the supervisor shall not actually be engaged in the pursuit itself (UAC R728-503-6).

After being notified of a pursuit, a supervisor shall:

Ensure proper radio channels and procedures are in use.

Ensure tactics are in conformance with any policy of the Department.

Ensure only the necessary numbers of units are involved.

Ensure allied agencies are notified.

Consider aborting the pursuit if cause exists.

Consider air support availability and practicality.

Supervise the investigation of any traffic accident that is a direct result of the pursuit whether the pursuing vehicle/s is/are involved in the accident.

Ensure post-incident notifications.

Ensure that proper written reports are completed and forwarded to the Division Commander.

The supervisor should proceed to the termination point of the pursuit and provide appropriate assistance and supervision at the scene, when practicable.

307.4.1 WATCH COMMANDER RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Division Commander.

307.5 COMMUNICATIONS

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

307.5.1 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Dispatch Center shall immediately advise a field supervisor of essential information regarding the pursuit (Utah Administrative Code UAC R728-503-5).

Communications personnel also shall:

Receive and record all incoming information on the pursuit and the pursued vehicle.

Control all radio communications and clear the radio channels of all non-emergency calls.

Perform relevant record and motor vehicle checks.

Coordinate and dispatch back-up assistance and air support units under the direction of the field supervisor.

Notify concurrent and neighboring jurisdictions, where practicable, when the pursuit may extend into their location and specify whether involvement is needed.

If the pursuit enters a bordering state, that jurisdiction should be notified.

307.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary vehicle should broadcast pertinent information to assist other units in locating suspects. The primary vehicle will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.6 INTER-JURISDICTIONAL CONSIDERATIONS

The primary unit shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line (UAC R728-503-8). When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Provo City Police Department is no longer needed. Upon discontinuing the pursuit, the primary vehicle may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

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

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

If an allied agency either declines to or is incapable of assuming the pursuit, the responsible supervisor will determine whether the pursuit is to continue.

307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

The department's ability to maintain the pursuit.

Whether the circumstances are serious enough to continue the pursuit.

Whether there is adequate staffing to continue the pursuit.

The public's safety within this jurisdiction.

The safety of the pursuing officers.

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

Upon request from the allied agency, use of hollow spike strips is permitted with supervisor approval and in accordance with this policy.

Assistance to a pursuing allied agency by officers of the Department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

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

307.7 PURSUIT INTERVENTION

Intervention techniques shall be used only when the officer reasonably believes it is possible to do so safely and when the law enforcement officers using them have

received training in their use (UAC R728-503-7). Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers, and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable considering the circumstances confronting the officer at the time of the decision.

307.7.1 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have not received department-approved training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

Channelization may be used to redirect or stop a pursued vehicle. The selection of the best method and area in each circumstance should be preceded by an evaluation of all factors surrounding the individual pursuit. The methods used should offer the greatest probability of success with the least likelihood of injury to the general public, the officer and the suspect.

Officers may deliberately direct a vehicle into a given path or location (i.e., unpaved roadway, dead end road, away from populated areas or intersections) by using stationary objects (pylons, barricades, vehicles) placed in the current path of the pursued vehicle. This method also may be used to direct a pursued vehicle toward and across a hollow spike strip.

Channelization is considered a forcible stop technique but does not require the justification of deadly force.

The Pursuit Intervention Technique (PIT) is a forced rotational non-compliant vehicle stop. This technique should not be used if speeds exceed 45 mph, if any of the vehicle tires have been blown or flattened, or if the vehicle has had its tires damaged by a tire deflating device, unless deadly force is justified.

This technique should only be used when all other reasonable means of apprehension have been considered and rejected as impractical, e.g., air support,

allied agency assistance, tire deflating devices or boxing-in; when the apparent risk of harm to other than the occupants of the pursued vehicle is so great as to outweigh the risk of harm in making the forcible stop; when the pursuing officer believes that the continued movement of the pursued vehicle would place others in danger of great bodily harm or death.

Officers should use care and caution in selecting the location where the stop is to be made, so that any resulting danger can be minimized as much as possible.

Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer'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 officers in their decision-making process before ramming another vehicle. When ramming is used to stop a fleeing vehicle, the following factors should be present:

The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.

The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

The use of boxing-in as a technique for terminating pursuits is discouraged. Under ordinary circumstances, the potential hazard outweighs the probability of a successful stop of a violator. Therefore, this technique should only be used at slow speeds or where the obvious risks can be eliminated or appreciably reduced.

Boxing-in shall not be used at high speeds or in those circumstances where the pursued subject has demonstrated a willingness to assault an officer either with the vehicle or some other means, i.e., a firearm.

Boxing-in shall not be used when it is necessary to use citizens to affect the maneuver.

The use of tire deflating devices should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public, and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle (consider if deadly force is

justified), a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

Roadblocks are prohibited unless the circumstances would warrant the use of deadly force. Roadblocks should only be established with a supervisor's approval. If a roadblock is established officers must:

Allow the suspect vehicle reasonable stopping distance.

Not place themselves or their vehicle in a position that would jeopardize the safety of the officers involved.

Not place vehicles in a position that is not reasonably visible to the suspect.

Reasonably ensure the safety of uninvolved pedestrians and motorists.

307.7.2 USE OF FIREARMS

An officer's discharge of a firearm at or from a moving vehicle shall follow this department's Use of Force Policy. An officer's decision to discharge a firearm at or from a moving vehicle shall first be authorized, when reasonably possible, by a supervisor (UAC R728-503-7).

307.7.3 CAPTURE OF SUSPECTS

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

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

307.8 REPORTING AND REVIEW REQUIREMENTS

The following reports should be completed to comply with appropriate local and state regulations:

The primary officer shall complete appropriate crime/arrest reports.

The primary officer and the shift supervisor shall complete a Blue Team Report to be reviewed by the Watch Commander.

The crime/arrest reports and the Blue Team Report will be forwarded to the Patrol Division Commander.

307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

Officers shall not engage in a pursuit until they have successfully completed the department-sponsored Emergency Vehicle Operations (EVO) course. Officers shall also be required to attend an annual course that specifically covers any policy adopted by the Department regarding pursuits (UAC R728-503-10).

All department officers shall retain a current copy of the pursuit policy and shall refer to it as a basis for initiation, continuation, and termination of a pursuit (Utah Code 41-6a-212).

307.8.2 POLICY REVIEW

Each sworn employee of the Department shall read and understand this policy initially and upon any amendments (Utah Code 41-6a-212(4)(b)).

307.8.3 MANDATORY COUNSELING

Any officer involved in a pursuit resulting in death or serious bodily injury to any person is required to attend a timely critical incident debriefing arranged by the Division Commander of the involved officer.

The Division Commander will also schedule a professional psychological counseling session for any officer directly involved in a pursuit resulting in death or serious bodily injury to any person. Attendance by the involved officer at this counseling session is mandatory.

307.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Utah Code 41-6a-212. It incorporates the guidelines developed pursuant to Utah Code 41-6a-212 and established in UAC R728-503.

Policy 308 Officer Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

308.2 RESPONSE TO CALLS

Officers dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Officers responding Code-3 shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (Utah Code 41-6a-212).

Responding with emergency lights and siren does not relieve the officer operating an authorized emergency vehicle of the duty to act as a reasonably prudent emergency vehicle operator in like circumstances. The use of any other warning equipment without emergency lights and siren does not provide any privilege under the law.

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is no longer required, the requesting officer shall immediately notify the Dispatch Center.

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

- The officer number
- The location
- The reason for the request and type of emergency
- The number of units required

For the purposes of this policy and as applied to responding Code 3, an emergency is a sudden, unexpected happening where death, injury or great property damage

occurs, or is likely to occur, or becomes aggravated if a police response is delayed beyond that time which it would normally take for an officer to arrive, obeying all traffic rules and regulations.

308.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one vehicle should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes additional vehicles.

308.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Dispatch Center. Generally, only one vehicle should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Dispatch Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

308.4.1 INITIATING CODE 2 RESPONSE

If an officer believes that using the siren could either increase the risk of danger to the officer, the victim of a crime in progress, or cause undue alarm or disturbance, the officer may choose to use only the emergency lights when responding to those situations or turning the siren off as he nears the location. Nothing herein should be construed as prohibiting the use of the siren, but the following are situations to consider when the siren might not be used:

- a. Robberies, burglaries, thefts, or assaults in progress
- b. Domestic violence calls
- c. Situations involving guns or other deadly weapons, etc.
- d. When driving an emergency vehicle in a residential area between 2300 hours and 0700 hours, where traffic is minimal and using the siren may unnecessarily disturb the residents.

308.5 RESPONSIBILITIES OF RESPONDING OFFICERS

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Dispatch Center. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

308.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor prior to assigning units Code-3. The dispatcher shall:

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

308.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

- a. The proper response has been initiated.
- b. No more than those units reasonably necessary under the circumstances are involved in the response.

c. Affected outside jurisdictions are being notified as practical.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

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

308.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or the Dispatch Center of the equipment failure so that another vehicle may be assigned to the emergency response.

Policy 309 Canines

309.1 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.

309.2 POLICY

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

309.3 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Division Commander 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.

309.3.1 CANINE EQUIPMENT

The Provo City Police Department shall provide the necessary equipment, food and canine care products necessary for the training and deployment of service dogs.

309.4 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Watch Commander.

309.4.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander or the canine coordinator and are subject to the following:

- 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. Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Provo unless authorized by the Watch Commander of the canine coordinator.
- d. It shall be the responsibility of the canine handler to coordinate operations with agency personnel to minimize the risk of unintended injury.
- e. It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.4.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator 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 canine coordinator.

309.5 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 officer, 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 officers 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 officer,

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 Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, 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.

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.

309.5.1 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 officers or the public caused by the suspect if the canine is not utilized.
- f. Any potential danger to the public and/or other officers 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 to minimize interference with the canine.

309.5.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, 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 handler shall document in any related report how the warning was given and, if none was given, the reasons why.

309.5.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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 a case report and a Blue Team 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 Watch Commander and the canine coordinator.

Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a Blue Team 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 department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

309.6 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 officers, 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 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.

309.6.1 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.

309.6.2 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.

309.6.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a 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.

309.7 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- a. An officer who is currently off probation (with a minimum of two years employment).

- b. Residing in an adequately fenced, single-family residence (minimum 5-foot-high fence with locking gates).
- c. Must exhibit the ability to work independently and unsupervised.
- d. Living within 30 minutes travel time from the Provo City limits.
- e. Agreeing to be assigned to the position for a minimum of three years.
- f. Shall be in good physical condition.
- g. Should have good interpersonal, verbal, and written skills.
- h. Should be prepared to work all shifts, work weekends, and be subject to 24-hour call-out.
- i. Must not have any sustained excessive use of force complaints.
- j. Evaluations shall have at minimum an overall rating of "Meets Standards".

309.8 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 department equipment under his/her control in a clean and serviceable condition.
- c. When a handler is going to be absent from his home in excess of five days, the assigned canine vehicle should be stored at the Provo City Police Department for storage.
- d. 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.
- e. Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

- f. When off-duty, the canine shall be in a kennel provided by the City 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.
- g. The canine may be permitted to socialize in the home with the handler's family under the direct supervision of the handler.
- h. Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.
- i. 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 Watch Commander.
- j. 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.

309.9 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 collective bargaining agreement (29 USC § 207).

The canine handler shall work thirty-six (36) on duty hours a work week. The remaining four (4) hours of the work week will be spent in the care, feeding, grooming, and other needs of the police service dog.

309.10 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 canine coordinator or Watch Commander 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 Provo Police Department Records Management System.

The handler shall notify the canine coordinator as soon as practicable when emergency medical care is required.

Depending on the severity of the illness or injury, the canine should either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

309.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Utah Peace Officer Standards and Training (POST) Service Dog Program requirements or other recognized and approved certification standards (Utah Code 53-6-402). Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

309.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to Utah POST Service Dog Program or other recognized and approved certification standards on an annual basis (Utah Code 53-6-402). Additional training considerations are as follows:

- a. Canine teams should receive training as defined in the current contract with the Provo City Police Department canine training provider.
- b. Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

- c. To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

309.11.2 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.

309.11.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file. POST accredited training will be maintained by OPST.

309.11.4 TRAINING AIDS

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

309.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f); UAC R156-37-306).

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

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

1. The Canine handler shall adhere to Utah Administrative Code R156-37-305 which exempts officers of the Department from licensing requirements under the Controlled Substance Act to the extent their official duties require them to possess

controlled substances and: R156-37-305 (2) Law enforcement agencies and their sworn personnel are exempt from the licensing requirements of the Controlled Substance Act to the extent their official duties require them to possess controlled substances; they act within the scope of their enforcement responsibilities; they maintain accurate records of controlled substances which come into their possession; and they maintain an effective audit trail. Nothing herein shall authorize law enforcement personnel to purchase or possess controlled substances for administration to animals unless the purchase or possession is in accordance with a duly issued controlled substance license.

2. It shall be the responsibility of the Patrol Commander or his designee to oversee all drug detection training. All Canine handlers will share the responsibility that any and all controlled substances used for training purposes are handled properly. Individual Canine handlers are responsible for ensuring that all controlled substances and training samples are handled properly and in accordance with applicable laws.

3. All Canine handlers authorized by the Chief of Police to work their Canines in drug detection will follow the evidence-handling procedures for controlled substances used for Canine training.

The procedures as approved by the Chief of Police are as follows:

a) The controlled substances to be used for Canine training will be acquired from the Provo Police Evidence Room. The assigned controlled substances will be stored separately from evidence that is normally held in the Evidence Room. The Evidence Room personnel will maintain a permanent record of the drugs used for Canine training.

b) Controlled substances seized during police cases may be used for Canine training, only after the case has been closed and upon written approval from the Provo City Attorney's office or Utah County Attorney's Office.

c) The above-mentioned permanent record will be maintained within the separate storage area allocated for the storage of the controlled substances and secured for Canine training. The permanent log also will be providing sufficient space to document each time controlled substances are removed from storage for training purposes. The Evidence Room personnel will be responsible for documenting the type of controlled substances, the amount of controlled substances, and the time and date the controlled substances are removed for training purposes. Upon the

return of the controlled substances to the appropriate area, the Evidence Room personnel will document such return with the amount of controlled substance, time, and date of the transaction.

d) All controlled substance training samples shall be weighed and tested prior to the dispensing to the individual Canine handler. The weight and test results shall be recorded and maintained by the Evidence Room personnel.

e) The Canine handler that signs the controlled substance out of the Evidence Room will be responsible for the controlled substance while in his/her custody. Access to the separate storage area for the controlled substance secured for Canine training purposes will be limited to Evidence Room personnel. While in the handler's custody, controlled substances will be stored in the Canine unit's vehicle narcotics safe.

f) Canine handlers will not be allowed to remove controlled substances training samples from the Evidence Room for any purpose other than Canine training.

g) The only Canine handlers permitted to remove the controlled substance training samples from the Evidence Room will be those authorized by the Chief of Police to possess and maintain controlled substances.

h) In the event that any of the controlled substance(s) are lost or destroyed during training the Canine handler who signs the controlled substance out from the Evidence Room will write an incident report to document the incident. The original report will be turned into the Patrol Division Commander or his designee and a copy to be attached to the evidence permanent record log at the Evidence Room.

i) In the event that any of the controlled substance is stolen the incident will be immediately reported to the Patrol Division Commander and the Chief of Police by the Canine handler. The Canine handler who signs the controlled substance out from the Evidence Room will write an incident report to document the incident. The original report will be turned into the Patrol Division Commander or his designee and a copy to be attached to the evidence permanent record log at the Evidence Room.

j) All controlled substance training samples shall be returned to the Evidence Room upon the conclusion of the training or upon demand of the Department.

k) Upon return to the Evidence Room all controlled substance training samples shall be weighed and tested by an Evidence room technician prior to returning the

property to its original secure location. Any discrepancies must be immediately explained on the logs and in a memorandum to the Patrol Division Commander and the Chief of Police documenting the discrepancies.

l) The Evidence Room Supervisor shall periodically inspect every controlled substance training sample by weighing and testing the sample looking for damage or tampering. The supervisor will notify the Canine Unit Coordinator of any discrepancies.

m) The Canine Unit Sergeant shall periodically inspect every controlled substance training sample for damage or tampering and take appropriate action.

IMMUNITY

All duly authorized peace officers, while providing substance abuse training to law enforcement or the community or while providing canine drug detection training in performance of their official duties, and any person working under their immediate direction, supervision, or instruction are immune from prosecution for narcotics possession (Utah Administrative Code R156-37-305(2)).

309.11.6 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.
- b. The weight and test results shall be recorded and maintained by this department.
- c. Any person possessing controlled substance training samples 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 Property and Evidence Section 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.

309.11.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; Utah Code 76-10-306).

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

- a. All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- b. An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- c. The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- d. Only members of the canine team shall have access to the explosive training aids storage facility.
- e. A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the

trainer or authorized second person on-scene will be designated as the secondary custodian.

- f. Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, 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).

309.12 EXPLOSIVE DETECTION CANINE

Explosive Detection Dog (EDD) Teams are a critical component of any sweep plan. Bomb canine teams work in close cooperation with the bomb squad to ensure that the environment being secured is free of explosive devices. Canines are an excellent tool when working as part of an overall team, but they will never be used alone to conduct a search. Once a sweep has been initiated, canine teams will assist with the sweeps at the direction of the bomb squad commander or his designee.

CANINE COMMAND AND CONTROL

All explosive detection canine teams working an incident with a bomb squad will come under the command of the bomb squad or on-scene EOD technician. All explosive detection canines shall be trained and certified to meet the standards established for such detection dogs by Utah POST or other recognized and approved certification standards.

CANINE USE IN UNKNOWN VS SUSPICIOUS/HAZARDOUS SWEEPS

A "Canine Sweep" consists of a joint effort involving the Bomb Technician and canine team. When possible, the sweep should be conducted after a hand search has been completed.

Bomb dogs are used in routine sweeps to check areas not accessible to human sweep teams and to help in the assessment of unknown items. They are used in situations where the element of risk is low. The use of a canine alone will never be used as the sole basis to clear a suspicious item. Once an item is deemed suspicious, EDD teams will not be exposed to the item. Exposing a handler and canine to an item already deemed suspicious results in needless exposure to a high-risk situation for little or no gain. In this scenario, the proper use for an EDD team would be to utilize them in a search for a possible secondary device, and/or to assist in the clearance of the area of the incident command point.

CANINE OPINION SHOPPING

Using a bomb dog pre-supposes that the actions of that canine will form the basis for the response of the sweep and RSP teams. Unless the handler states that their dog is not working properly, a second dog should not be used to confirm or negate the opinion of the first dog. Confirmation from one trained dog is sufficient.

The use of another canine to confirm the first dog is called "opinion shopping". When this occurs, it usually means that the person ordering a second dog does not like the opinion of the first dog (usually because the first dog alerted) and wants to alter it for convenience. In addition to wasting valuable time with a device timing down, the use of multiple dogs only serves to expose more personnel to the potential hazard and delays a timely evacuation.

Furthermore, there is a good chance that a subsequent dog will alert based on the scent of the first dog.

309.13 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

a Canines shall not be left unattended in any area to which the public may have access.

b When the canine vehicle is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.14 CANINE RETIREMENT

Upon retirement, a police department canine that is suitable for adoption may be sold to the handler for one dollar. The dog handler will be given first priority to adopt.

Policy 310 Domestic Violence

310.1 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 department to take enforcement action when

appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

Dating violence - Any criminal offense involving violence or physical harm, threat of violence or physical harm, or any attempt, conspiracy, or solicitation by a person to commit an offense involving violence or physical harm, when committed by a person against a dating partner of the person who is either 18 years of age or older or is emancipated.

Domestic violence - Includes any crime involving the actual, threatened, or attempted violence or physical harm of a cohabitant. Domestic violence also includes committing or attempting to commit any crime listed in Utah Code 77-36-1(4) by one cohabitant against another.

310.2 POLICY

The Provo City Police Department'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 department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

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

310.4 INVESTIGATIONS

The following guidelines should be followed by officers 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, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- c. Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other 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 Victim Services Division in the event that the injuries later become visible.
- f. Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- g. If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- h. Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- i. When completing an incident or arrest report for violation of a court order, officers 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 officer should attach a copy of the order to the incident or arrest report.

- j. Officers 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. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 4. The potential financial or child custody consequences of arrest.
 - 5. The physical or emotional state of either party.
 - 6. Use of drugs or alcohol by either party.
 - 7. Denial that the abuse occurred where evidence indicates otherwise.
 - 8. A request by the victim not to arrest the suspect.
 - 9. Location of the incident (public/private).
 - 10. Speculation that the complainant may not follow through with the prosecution.
 - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.
- k. Officers will fill out a lethality assessment on all suspected intimate partner domestic violence incidents. This is to identify victims who are at the greatest risk of being killed and encourage victims to utilize the services of a domestic violence service program.

310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- a. Advise the victim that there is no guarantee the suspect will remain in custody.
- b. Provide the victim's contact information to the jail booking staff to enable forwarding the victim information to Provo Police Department upon the suspect's release from jail for notification.

- c. Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected. The following applies to domestic violence and dating violence (Utah Code 77-36-2.1; Utah Code 78B-7-408):

- a. Victims shall be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- b. Victims shall also be alerted to any available victim advocates, shelters, and community resources.
- c. When an involved person requests law enforcement assistance while removing essential items of personal property, officer shall stand by for a reasonable amount of time.
- d. If the victim has sustained injury or complains of pain, officer shall seek medical assistance for the victim as soon as practicable.
- e. Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- f. Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

- g. If appropriate, officers shall seek or assist the victim in obtaining an emergency order.

310.5.1 WRITTEN NOTICE TO DOMESTIC VIOLENCE VICTIMS

Utah Code 77-36-2.5(7) and 77-36-2.1(2) require that victims of domestic violence be furnished written notice including specific information. The required information includes the following, which is contained within the Department's Domestic Violence Victim Packet:

- (a) That the perpetrator may not be released on bail, recognizance, or otherwise prior to the close of the next court day following the arrest, unless as a condition of that release he/she is ordered by the court or agrees in writing (Jail No Contact Order) that until the expiration of that time he/she will: have no personal contact with the alleged victim; not threaten or harass the alleged victim; and not knowingly enter onto the premises of the alleged victim's residence or any premises temporarily occupied by the alleged victim.
- (b) notification of the penalties for violation of the court order or any agreement executed by the perpetrator.
- (c) The date and time, absent modification by a court or magistrate, that the requirements expire.
- (d) The address of the appropriate Court in the district or county in which the alleged victim resides.
- (e) The availability and effect of any waiver of the requirements.
- (f) Information regarding the availability of and procedures for obtaining civil and criminal protective orders with or without the assistance of an attorney.
- (g) A statement that the forms needed to obtain an order for protection are available from the court clerk's office in the judicial district where the victim resides or is temporarily domiciled.
- (h) A list of shelters, services, and resources available in the appropriate community, together with telephone numbers, to assist the victim in accessing any needed assistance. Referral to the Department Victim Services Program.

310.6 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. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 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 officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.8 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, officers 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.

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

310.9 LEGAL MANDATES AND RELEVANT LAWS

Utah law provides for the following:

310.9.1 STANDARDS FOR ARRESTS

- a. Officers 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 officer's presence (Utah Code 77-36-2.2). Any citation issued shall note that the offense involved a domestic violence offense (Utah Code 77-7-20).
- b. An officer shall arrest an alleged perpetrator whenever there is probable cause to believe that the alleged perpetrator 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 officer's presence (Utah Code 77-36-2.4; Utah Code 78B-7-119).
- c. If an officer 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 officer may not utilize the option of issuing a citation (Utah Code 77-36-2.2). Factors that may support the likelihood of a continuing offense include:
 1. A prior history of arrests or citations involving domestic violence.
 2. The alleged perpetrator is violating a court order.
 3. The alleged perpetrator has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
 4. The victim states that the alleged perpetrator has a history of physical abuse toward the victim.
 5. The victim expresses fear of retaliation or further violence should the alleged perpetrator be released.
 6. Any other evidence that would indicate the victim may be subjected to continued violence or abuse.
- d. In responding to domestic violence incidents, officers should generally be reluctant to make dual arrests. If an officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each

complaint separately to identify the predominant physical aggressor. If the officer determines that one person was the predominant physical aggressor, the officer need not arrest the other person alleged to have committed domestic violence. In determining the predominant aggressor, the officer shall consider (Utah Code 77-36-2.2):

1. Any prior complaints of domestic violence.
 2. The relative severity of injuries inflicted on each person.
 3. The likelihood of future injury to each of the parties.
 4. Whether one of the parties acted in self-defense.
- e. An officer may not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage any party's request for intervention by law enforcement (Utah Code 77-36-2.2).
- f. Whenever an alleged perpetrator is arrested or issued a citation and subsequently released by the jail, the jail shall then contact Provo Police Dispatch informing them of the release. A call will be created by dispatch and an officer will make a reasonable effort to notify the victim of that release and document the notification in the case report. The jail shall transmit the release information to the statewide domestic violence network (Utah Code 78B-7-802).
- g. An officer 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).
- h. Whenever a complainant advises of the existence of a court order, the officer shall determine if a valid court order exists and use every reasonable means to enforce the order. The officer should determine whether the order is in the statewide domestic violence network (Utah Code 78B-7-113) 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 alleged perpetrator 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 alleged perpetrator.
- i. In the event the alleged perpetrator is no longer at the scene, officers shall document the incident for follow-up investigation.
- j. If an arrest is made or a citation is issued, the arresting officer shall provide the individual with written notice containing the following information (Utah Code 78B-7-802):
 1. The individual may not telephone, contact, or otherwise communicate directly or indirectly with the victim before being released.
 2. The individual may not be released except by court order or a written jail release agreement.
 3. Notification of the penalties for violation of the court order or any jail release agreement executed and that the individual must appear in court on the next business day after arrest.

310.9.2 REPORTS AND RECORDS

- a. Reports on all incidents of domestic violence shall include (Utah Code 77-36-2.2):
 1. The officer's disposition of the case.
 2. The appropriate crime classification for domestic violence.
 3. If no arrest was made, the report shall detail the grounds for not arresting.
 4. If two parties are arrested, the report shall detail the grounds for arresting both parties.
- b. The officer creating the report should provide the victim with the case number of the report. The case number may be placed in the appropriate space on the victim information handout provided to the victim. If the case number is not immediately available, the officer should explain to the victim how he/she can obtain the information later.
- c. The report shall be made available to the victim, upon request, at no cost (Utah Code 77-36-2.2(6)(d)).

- d. The Records Supervisor shall forward a copy of the incident report to the appropriate prosecuting attorney within five days after the complaint of domestic violence occurred (Utah Code 77-36-2.2(6)(c)).
- e. The officer completing a domestic violence report should include information regarding whether the victim would like the court to impose release restrictions upon the arrestee, including prohibiting the arrestee from having personal contact with the victim or from entering the victim's residence or other premises temporarily occupied by the victim (Utah Code 78B-7-802).
- f. The Records Supervisor or the authorized designee shall update the statewide domestic violence network when a person is released upon a written jail release agreement (Utah Code 78B-7-802; Utah Code 78B-7-113).

Policy 311 Search and Seizure

311.1 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 Provo City Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY

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

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

311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required 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:

- Valid consent
- Incident to lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

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

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

311.3.1 PAROLE SEARCHES

Absent a search warrant or other legal authority an officer may search the residence of a person on parole only after obtaining approval from a parole officer. In other circumstances where an officer stops a parolee and conducts a search of the parolee's person, personal effects or vehicle, the officer shall notify a parole officer as soon as reasonably practicable after conducting the search (Utah Code 77-23-301(3)(a) and (b)).

Officers shall not request or conduct a parole search for the purpose of harassment (Utah Code 77-23-301(4)).

311.3.2 IMAGING SURVEILLANCE DEVICE

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

- a. A warrant has been obtained.
- b. Testing equipment or training is being performed.
 - 1. Training or testing may not be conducted as part of a criminal investigation or law enforcement activity.
 - 2. Testing or training requires the consent of the individuals imaged and the owners of the property to be imaged.
- c. Exigent circumstances exist.
- d. While in fresh pursuit of a person suspected committing a felony.

311.3.3 ELECTRONIC INFORMATION AND DATA

Officers shall follow warrant and notification requirements when seeking electronic data or information transmitted to a provider of a remote computing service or through a provider of an electronic communication service (Utah Code 77-23c-102; Utah Code 77-23c-103; Utah Code 77-23c-104).

311.4 SEARCH PROTOCOL

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

- a. Members of this department will strive to conduct searches with dignity and courtesy.
- b. Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- c. Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- d. To minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- e. When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same

sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

311.5 DOCUMENTATION

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

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What force, if any, was used to execute the search
- Whether an announcement was made prior to or after entry into the premises.
- What, if any, injuries, or damage occurred
- All steps taken to secure property.
- The results of the search, including a description of any property or contraband seized.
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer.

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented, and that current legal requirements and department policy have been met.

311.6 SEIZED EVIDENCE

SEIZING OFFICER

Any officer or police employee who takes custody of evidence will be responsible for its care, security, transportation, and processing until it is locked in a regular evidence locker or is stored in department custody.

All such property is to be stored in an appropriate place provided for that purpose without delay and the person seizing the property will be responsible for completing the required reports.

Policy 312 Temporary Custody of Juveniles

312.1 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 Provo City Police Department (34 USC § 11133).

312.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for 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., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles engaged in commercial sex or sexual solicitation are non-offenders (Utah Code 76-10-1302).

Juvenile offender - A juvenile under 18 who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes possession of a handgun by a person under 18 years of age in violation of Utah Code 76-10-509.4 (28 CFR 31.303).

Non-secure custody - When a juvenile is always held in the presence of an officer or other custody employee 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 juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

A juvenile handcuffed to a rail.

A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

A juvenile being processed in a secure booking area when an unsecure booking area is available.

A juvenile left alone in a secure booking area after being photographed and fingerprinted.

A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

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

The Provo Police Department does not have an area for Secure Custody of a juvenile offender.

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

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender.

Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

312.2 POLICY

The Provo City Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Provo City Police Department. Juveniles

should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Provo City Police Department. These include:

Unconsciousness or having been unconscious while being taken into custody or transported.

Serious injuries or a medical condition requiring immediate medical attention.

A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Civil Commitments Policy).

If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or transfer to an appropriate facility is completed.

Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether they appear intoxicated.

Extremely violent or continuously violent behavior.

Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers 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 Provo City Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

312.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the Provo City Police Department without authorization of the arresting officer's supervisor or the Watch

Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent 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 Provo City Police Department (34 USC § 11133; Utah Code 80-6-203; Utah Code 80-6-204).

312.4.1 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 Provo City Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133; UAC R547-7-3(24)).

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by juvenile referral or with a warning rather than taken into temporary custody and shall not be issued a citation. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133; UAC R547-7-3(24)).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

A juvenile offender may be taken into custody without order of the court if the officer has probable cause to believe the juvenile has violated a state law, federal law, local law, or municipal ordinance (Utah Code 80-6-201).

A juvenile offender may not be held in temporary custody any longer than is reasonably necessary to obtain the juvenile's name, age, residence, and other necessary information, and to contact the juvenile's parents, guardian, or custodian (Utah Code 80-6-203).

The juvenile offender shall be released to the care of a parent or other responsible adult, unless the officer reasonably believes the juvenile's immediate welfare, or the protection of the community requires the juvenile's detention or a warrant has been issued under Utah Code 80-6-202 or Utah Code 80-6-806 (Utah Code 80-6-203). Before releasing the juvenile offender, the parent or other person taking custody of the juvenile shall be required to sign a written promise to bring the juvenile to the court at the specified date and time (Utah Code 80-6-203).

If the juvenile offender is not released, the juvenile shall be taken to a place of detention or shelter without unnecessary delay (Utah Code 80-6-203; UAC R547-7-3(14)).

The officer who takes a juvenile offender to a detention or shelter facility shall complete and promptly file with the detention or shelter facility a written report on a form provided by the Division of Juvenile Justice Services. This should include the details of the presently alleged offense, the facts that bring the juvenile within the jurisdiction of the juvenile court, the reason the juvenile was not released by the Department, and if the juvenile is under consideration for detention, the eligibility of the juvenile for detention under the detention guidelines (Utah Code 80-6-203).

312.5 ADVISEMENTS

If a juvenile offender is taken into custody for a violent felony, or an offense in violation of Title 76, Chapter 10, Part 5 (Weapons), the officer shall, as soon as practicable or as established under Utah Code 53G-8-402(2), notify the appropriate school superintendent or principal for the purposes of the juvenile's supervision and student safety. The notice shall disclose only (Utah Code 80-6-103):

The name of the juvenile.

The offense for which the juvenile was taken into custody or detention.

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.

312.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Utah Code 80-6-204). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Provo City Police Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

312.7 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Provo City Police Department shall ensure the following:

The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Provo City Police Department more than one hour. This will enable the Watch Commander to ensure no juvenile is held at the Provo City Police Department more than two hours.

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.

Juveniles shall be placed in an unlocked room or open area.

Juveniles may be handcuffed, but not to a stationary or secure object.

Juveniles shall receive constant personal visual supervision by a law enforcement officer.

Juveniles shall have reasonable access to toilets and wash basins.

Juveniles shall have reasonable access to a drinking fountain or water.

Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

312.8 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 Provo City Police Department when the juvenile presents a heightened risk. However, non-offenders

and status offenders should not be handcuffed unless they are combative or threatening.

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

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

312.8.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

312.9 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

No interrogation of a juvenile should occur unless (Utah Code 80-6-206):

The juvenile has been advised of the juvenile's constitutional rights, and the right to have a parent, a guardian, or a friendly adult present during the interrogation.

The juvenile voluntarily waives the juvenile's constitutional rights.

A parent, guardian, or friendly adult gives consent after being present for the waiver. A parent, guardian, or friendly adult is not required to be present for the waiver or give consent if reasonable attempts to contact such an individual have been unsuccessful for one hour after taking the juvenile into custody.

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 27A).

312.10 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

An officer should not photograph or fingerprint a juvenile who has not been adjudicated of an offense (Utah Code 80-6-608).

312.11 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 80-6-103).

Officers shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

The Records 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 Records Supervisor and the appropriate Criminal Investigations Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

Policy 315 Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Provo City Police Department members are required to notify the Division of Child and Family Services (DCFS) of suspected child abuse.

315.1.1 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 agency (Utah Code 62A-4a-101).

315.2 POLICY

The Provo City Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DCFS is notified as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Provo City Police Department 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 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 (e.g., physical, emotional, or developmental injury or damage) or threatened harm of a child (e.g., actions, inactions, or credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect), 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 80-1-102).

315.3.1 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.

315.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- a. Conduct interviews in child appropriate interview facilities.
- b. Be familiar with forensic interview techniques specific to child abuse investigations.
- 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.

315.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

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 officer in all circumstances where a suspected child abuse victim was contacted.
- b. The exigent circumstances that existed if officers 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).

315.5.1 COMMERCIAL SEX OR SEXUAL SOLICITATION INVOLVING A CHILD

When an officer encounters a child engaged in commercial sex or sexual solicitation, the officer should (Utah Code 76-10-1315):

- a. Investigate possible human trafficking of the child.
- b. Refer the child to DCFS.
- c. Bring the child to a receiving center.
- d. Contact the child's parent or guardian.

315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DCFS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DCFS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Utah Code 62A-4a-202.1):

- a. When a court order has been issued authorizing the removal of the child.
- b. Without a court order, when there exist exigent circumstances sufficient to relieve an officer of the requirement to obtain a warrant.

- c. Without a warrant when an officer obtains the consent of the child's parent or guardian.

The above apply to removing a child from a home or school as well as from a parent or guardian.

315.6.1 NOTICE AFTER PROTECTIVE CUSTODY

An officer who takes a child into protective custody shall immediately use reasonable efforts to locate and inform, through the most efficient means available, the child's parents, non-custodial parents, guardian, or responsible relative of the information set forth in Utah Code 62A-4a-202.2. This notice should include the written information prepared by DCFS. Such efforts to provide this notification should be documented in the related report.

315.6.2 SAFE HAVEN LAW

A birth parent or parent's designee may leave a newborn child, age 30 days or less at any Utah hospital that is open 24 hours. The hospital is responsible for contacting DCFS within 24 hours of receiving the infant and DCFS assumes legal custody of the infant (Utah Code 62A-4a-801; Utah Code 62A-4a-802).

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- a. Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

b. A court order or warrant has been issued.

315.7.3 INTERVIEWS OF CHILDREN IN STATE CUSTODY

Officers should not interview a child who is in the custody of DCFS without the consent of the child's guardian ad litem. If guardian ad litem has not been appointed, consent may be given by DCFS (Utah Code 62A-4a-415).

315.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

315.9 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.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Special Victims Unit Supervisor should:

- a. Work with professionals from the appropriate agencies, including DCFS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to

situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

- b. Activate any available interagency response when an officer notifies the Special Victims Unit Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- c. Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the child.

315.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- a. Document the environmental, medical, social, and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- b. Notify the Special Victims Unit Supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Utah requires or permits the following:

315.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Utah Code 62A-4a-412; Utah Code 77-37-4).

315.10.2 RECORDED INTERVIEWS

A parent or guardian of a child victim may view a recorded interview of the child unless (Utah Code 77-37-4):

- a. The suspect is also a parent or guardian of the child victim.
- b. The suspect resides in the home with the child victim.

- 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.

315.10.3 RETENTION REQUIREMENTS

Recordings of any interview of a child during the investigation of an allegation of any sexual abuse of the child shall be retained for 18 years following the date of the last recording, unless the prosecuting attorney requests in writing that the recording be retained for an additional period of time (Utah Code 53-13-110.5).

315.10.4 NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION

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

315.10.5 NOTICE TO THE DEPARTMENT OF CORRECTIONS

The Records Bureau supervisor or the authorized designee shall ensure that the Department of Corrections is notified (Utah Code 77-43-103):

- a. Within three business days of the receipt of a report or complaint of an offense listed in Utah Code 77-43-102(2)(a) (child abuse or human trafficking of a child).
- b. Within five business days after the arrest of a suspect for any of the offenses listed in Utah Code 77-43-102(2)(a).

315.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- a. Participating in multidisciplinary investigations, as appropriate.
- b. Conducting forensic interviews.
- c. Availability of therapy services for children and families.
- d. Availability of specialized forensic medical exams.

- e. Cultural competence (including interpretive services) related to child abuse investigations.
- f. Availability of victim advocate or guardian ad litem support.

Policy 316 Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This 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 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.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person who is missing from his/her home environment and is physically or mentally disabled, missing under

circumstances that indicate that the person is endangered, missing involuntarily or a victim of a catastrophe (Utah Code 26-2-27(1)(c)).

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) and the Utah Bureau of Criminal Identification (BCI) Missing Persons Clearinghouse.

316.2 POLICY

The Provo City Police Department does not consider any report of a missing person to be routine and assumes that the missing person needs immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigation Division 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

316.4 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. The juvenile must be entered into NCIC within two hours of receiving the initial report.

Jurisdictional conflicts are to be avoided when a child is reported missing. If a missing child either resides in, or was last seen in this jurisdiction, this agency will immediately initiate the required reporting process. If a child resides in another jurisdiction the law enforcement agency covering that jurisdiction will be contacted and requested to take the missing-child report, including an NCIC entry. If a child resides in this jurisdiction and was last seen in another jurisdiction, but the law-enforcement agency covering that jurisdiction chooses not to take a missing-child report, this agency will assume reporting and investigative responsibility, including an NCIC entry.

316.5 INITIAL INVESTIGATION

Officers 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 BOLO 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:
 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.
- 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.

316.6 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.

316.6.1 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 Bureau.
- 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.

316.6.2 RECORDS BUREAU RESPONSIBILITIES

The responsibilities of the Records Bureau receiving member shall include, but are not limited to:

- a. As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- b. Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- c. Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- d. Forwarding a copy of the report to the Criminal Investigation Division.
- e. Coordinating with the NCIC Terminal Contractor for Utah to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 CRIMINAL INVESTIGATION DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- a. Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 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. Should re-contact 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.
- c. Should consider contacting other agencies involved in the case to determine if any additional information is available.
- d. Shall verify and update the Missing Persons Clearinghouse, NCIC 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).
- e. Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- f. Shall maintain a close liaison with state and local child 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).
- g. Should make appropriate inquiry with the Medical Examiner.
- h. Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- i. 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 Utah BCI and enter the photograph into applicable missing person networks (34 USC § 41308).
- j. Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- k. 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).

316.8 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 Supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- a. Notification is made to the Utah BCI.
- b. A missing child's school is notified.
- c. Entries are made in the applicable missing person networks.
- d. When a person is at risk, the fact that the person has been found should be reported within 24 hours to the Utah BCI.
- e. Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 UNIDENTIFIED PERSONS

Department 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.

316.9 CASE CLOSURE

The Criminal Investigation Division 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 Provo or this department 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 department 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.
- 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.

316.10 NOTIFICATION AND DOCUMENTATION RESPONSIBILITIES

The following procedures shall be completed based upon the type of missing person:

Missing child under 21 years:

- a. Place entry into DPS/NCIC within 2 hours
- b. Send BOLO teletype without delay.
- c. Check with the Medical Examiner Office within 24 hours
- d. Complete and send the Utah Missing Person Clearinghouse waiver within 24 hours.
- e. Obtain and send dental x-rays and blood type to the Utah Missing Person Clearinghouse within 30 days.
- f. Obtain and send a recent photograph of the missing child to Utah DOJ and to the Utah Missing Person Clearinghouse within 24 hour.

Missing endangered person:

- a. Place entry into DPS/NCIC without delay
- b. Send BOLO teletype without delay.
- c. Promptly initiate an Endangered Missing Person Advisory if appropriate and the criteria and is met.
- d. Check with the Medical Examiner Office immediately after 45 days missing.
- e. Obtain and send dental x-rays to the Utah Missing Person Clearinghouse after 45 days missing.

Missing adult 21 years or older:

- a. Place entry into DPS/NCIC within 4 hours
- b. Send BOLO teletype without delay.
- c. Check with the Medical Examiner Office immediately after 45 days missing.
- d. Obtain and send dental x-rays to the Utah Missing Person Clearinghouse after 45 days missing.

Policy 317 RUNAWAY AND UNGOVERNABLE JUVENILES

317.1 PURPOSE AND SCOPE

The purpose of this policy is to establish responsibilities and guidelines regarding the response of the Provo Police Department to reports of runaway and ungovernable juveniles.

317.2 DEFINITIONS

Runaway-A child who has left the home of his or her parent or legal guardian without permission.

Ungovernable- A child who is beyond the control of parents, guardians, or custodians or being disobedient of parental authority.

317.3 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. The juvenile must be entered into NCIC within two hours of receiving the initial report.

Jurisdictional conflicts are to be avoided when a child is reported missing or runaway. If a runaway resides in this jurisdiction, this agency will immediately initiate the required reporting process. If a child resides in another jurisdiction, the law enforcement agency covering that jurisdiction will be contacted and requested to take the missing-child or runaway report, including the NCIC entry. If a child resides in this jurisdiction and was last seen in another jurisdiction, but the law-enforcement agency covering that jurisdiction chooses not to take a missing-child or runaway report, this agency will assume reporting and investigative responsibility, including an NCIC entry.

317.4 DISPOSITION OF YOUTH

From time to time, officers will take juveniles into custody who are ungovernable. This includes runaway and homeless youth, and other at-risk youth.

When an officer takes a juvenile into custody, they shall without unnecessary delay notify the parents, guardian, or custodian. Prior to an officer transporting the youth to a shelter care facility, the officer should attempt to turn the runaway, etc. back to his/her guardian. If the guardian refuses to take custody, the officer should then call Vantage Point Youth Service Center at 801-373-2215 and make arrangements to have the child delivered to the facility. The center provides short-term shelter and time-out placement. The center is located at 1189 East 300 North.

If the juvenile is placed at Vantage Point Youth Service Center the investigating officer shall immediately enter the juvenile's information into the Spillman records management system.

317.4.1 SPECIAL SITUATIONS

An officer detaining a runaway or ungovernable youth should check his status with the court. This can be done by giving the police dispatch the name and DOB of the youth. The officer can also call the Juvenile Court at 801-354-7200 for disposition. After hours youth detention can provide limited status information. 801-342-7840.

Youths that are currently assigned to shelter, foster or group care and who have committed no crime, but are runaway or ungovernable, are to be taken to Vantage Point Youth Service Center at 1189 East 300 North. The only exception is if the youth has a history of sexual offenses. In this instance an alternative solution will have to be made with the shelter, foster or group care provider. Intoxicated youth may be taken to Vantage Point Youth Service Center after being medically cleared. Violent youth may be taken to Vantage Point Youth Service Center. The Center requires prior notification so they can make special arrangements for that youth. The Center accepts youth ages 10-17 years of age. 801-373-2215.

If a parent or guardian calls the department and has a youth in custody and wishes to report the child as ungovernable or runaway, the parent should be directed to Vantage Point Youth Service Center at 801-373-2215. Vantage Point Youth Service Center will then attempt to counsel with the family. If this procedure fails, the parent will then first be asked to transport the youth to the Vantage Point Youth Service Center. If the parents refuse, the youth will then be transported by an officer.

Runaways from out of state will be taken directly to Vantage Point Youth Service Center. If the runaway is listed NCIC, they should be transported to the youth detention center. The officer should attempt to obtain information whether the youth has committed crimes in another jurisdiction. If so, the youth detention center should be contacted to see if they will accept the youth. The transporting officer will notify the parents/guardian prior to leaving the Slate Canyon Youth Center per the Center's policy. The arresting officer will immediately enter the juvenile's information into the Spillman records management system.

The effect of the law is that juveniles who are runaways or ungovernable are not guilty of a crime. However, officers detaining and transporting such youths will still be required to complete the appropriate report.

From time to time, officers will take juveniles into custody who, because of neglect, abandonment, or other exigent circumstances, need to be taken from their home atmosphere. These youths ordinarily do not need to be placed in detention facilities; therefore, the Division of Child and Family Services has made arrangements with certain families to provide temporary shelter for these youths.

If officers have need for his type of placement they should call DCFS at 1-855-323-3237. Tell them the problem, age of the youth(s) and they will call someone from their lists.

If the juvenile is placed with DCFS, the investigating officer will immediately enter the juvenile's information into the Spillman records management system.

Policy 318 Public Alerts

318.1 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.

318.2 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.

318.3 RESPONSIBILITIES

318.3.1 MEMBER RESPONSIBILITIES

Members of the Provo City Police Department should notify their supervisor, Watch Commander, or Criminal Investigation Division 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.

318.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander, and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- a. Updating alerts
- b. Canceling alerts
- c. Ensuring all appropriate reports are completed.
- d. Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

318.4 AMBER ALERTS

AMBER Alert is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement. The AMBER Alert Plan is tested every year on January 13th and August 26th.

The AMBER Alert does not preclude any law enforcement agency from utilizing or implementing in-house procedures, policies, or practices.

318.4.1 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.

318.4.2 PROCEDURE

- a. 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:
 1. The Bureau of Criminal Identification (BCI) is contacted and informed an alert is about to be sent.
 2. 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.
 3. The information (plus photo if available) is entered in the National Crime Information Center (NCIC) using the AMBER Alert Flag (AA).
 4. "Hotline" telephone banks are set up and staffed. Consider allocating additional resources from other law enforcement agencies.
 5. A photograph of the abducted child and/or suspect is obtained and as soon as possible and emailed or faxed to Utah AMBER Alert.
 6. A Public Information Officer is appointed to handle the press. Once the alert has been activated, media coverage can be overwhelming.

The Public Information Officer should be updated constantly to utilize the media as much as possible and receive the maximum exposure for the case.

- b. The supervisor may also consider the following resources as the circumstances dictate:
 1. The regional Child Abduction Response Team (CART).
 2. The State of Utah CART.
 3. Federal Bureau of Investigation (FBI Local Office).
 4. Prompt entry of information into the 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.

- c. The supervisor shall ensure the assigned Public Information Officer is provided updates regarding the search and investigation and notified immediately upon locating the abducted child.

318.5 BLUE ALERTS

318.5.1 CRITERIA

The four criteria required for a BLUE Alert are as follows:

- a. A law enforcement officer has been killed, seriously injured, or assaulted with a deadly weapon by the suspect.
- b. The suspect is an imminent threat to the public and other law enforcement personnel.
- c. There is information available for the public about the suspect, the suspect's vehicle, and vehicle tag.
- d. Public dissemination of available information will help avert further harm or accelerate apprehension of the suspect.

318.5.2 PROCEDURE

BLUE Alerts are initiated solely by Utah law enforcement agencies through UCJIS and by contacting the BCI.

In the event of an assault with a deadly weapon, serious bodily injury or death of an officer, the following procedures designed to alert the media shall be followed.

- a. The Public Information Officer, Watch Commander or Detective Supervisor will prepare an initial press release that includes all available information which might aid in locating the suspect:
 - 1. The license number and/or any other available description or photograph of the vehicle
 - 2. Photograph, description and/or identification of the suspect
 - 3. The suspect's identity, age, and description, if known
 - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 5. Name and phone number of the Public Information Officer or other authorized individual to handle media liaison.

6. A telephone number for the public to call in with leads/information.
- b. The press release should be sent to the local television and radio stations.
- 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.

318.6 ENDANGERED MISSING ADVISORY

The Endangered Missing Advisory is a system to rapidly disseminate information about a missing and/or endangered person to law enforcement agencies and the media. The Endangered Missing Advisory is a voluntary partnership between law enforcement and local broadcasters for notifying the public about a missing and endangered person. The advisories are initiated solely by Utah law enforcement agencies.

318.6.1 CRITERIA

The following criteria must be met to initiate an Endangered Missing Advisory:

- a. The person must be missing under unexplained or suspicious circumstances.
- b. The person is believed to be in danger because of age, health, mental or physical disability, environment, or weather conditions, in the company of a potentially dangerous person or some other factor that may put the person in peril.
- c. There is information that could assist the public in the safe recovery of the missing person.

318.6.2 PROCEDURE

When the required criteria are met, the assigned officer should request that the Dispatch Center activate an Endangered Missing Advisory by entering descriptive information and officer contact information into the appropriate UCJIS transaction and by contacting the Bureau of Criminal Identification. The assigned officer is responsible to ensure that information is entered into the National Crime Information Center (NCIC) database.

318.7 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing endangered adult (Utah Code 53-10-702).

318.7.1 CRITERIA

The following criteria must be met to initiate a Silver Alert:

- a. The person is reported missing.
- b. The person reported missing is 60 years of age or older or has some form of Alzheimer's disease or other forms of dementia resulting in continual loss of memory or awareness dementia (Utah Code 53-10-703).

318.7.2 PROCEDURE

When the required criteria are met, the assigned officer should request that the Dispatch Center initiate a Silver Alert by contacting BCI through the UCJIS system and providing descriptive information, the specific area in which the missing person was last seen, and the officer contact information (UT ADC R722-400-4).

Policy 320 Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Provo City Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual as well as any additional guidance on conduct that may be disseminated by this department or the member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of the Provo City Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

See Provo City Personnel Policy #032 Employment Standards and #025 for Corrective Actions and Disciplinary Procedure.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member 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 conflicts with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing 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.

320.3.2 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.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Utah constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.4.1 DUTY TO INTERVENE AND REPORT MISCONDUCT

An officer present and observing another officer engaging in police misconduct shall, when in a position to do so, intervene to stop the misconduct (Utah Code 53-6-210.5).

A member who witnesses police misconduct shall report the misconduct to a supervisor or [city/county] attorney, as applicable, as soon as practicable. Failure to report the misconduct is grounds for discipline by the [Department/Office] (Utah Code 53-6-210.5).

If the reported misconduct involves a law enforcement officer of another agency, the Chief of Police shall promptly notify and communicate the report to the chief executive of that law enforcement agency (Utah Code 53-6-210.5).

Police misconduct means on-duty conduct by an officer that constitutes (Utah Code 53-6-210.5):

Force that is clearly beyond what is objectively reasonable under the totality of the circumstances or clearly does not amount to justified conduct (Utah Code 76-2-401 et seq.).

A search or seizure without a warrant where the totality of circumstances clearly indicates that any exception to the warrant requirement would not apply (see the Search and Seizure Policy).

Conduct that an objectively reasonable person would find to be biased or discriminatory against an individual or a group based on race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity.

320.4 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 department service.

320.4.1 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 department or City manuals.
- b. Disobedience of any legal directive or order issued by any department member of a higher rank.
- c. Violation of federal, state, local or administrative laws, rules, or regulations.

320.4.2 ETHICS

- a. Using or disclosing one's status as a member of the Provo City Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- b. The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.

- c. The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- d. Acceptance of fees, gifts, or money contrary to the rules of this department and/or laws of the state.
- e. Offer or acceptance of a bribe or gratuity.
- f. Misappropriation or misuse of public funds, property, personnel, or services.
- g. The unauthorized personal use of public money or public property in violation of Utah Code § 76-8-402.
- h. Any other failure to abide by the standards of ethical conduct.

320.4.3 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.

320.4.4 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 department.

- 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 department.

320.4.5 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.

320.4.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- a. Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained because of the member's position with this department.
- b. Disclosing to any unauthorized person any active investigation information.
- c. The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- d. Loaning, selling, allowing unauthorized use, giving away or appropriating any Provo City Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- e. Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment, and non-subpoenaed records.
- f. Any department owned property to include lockers, desks, department owned vehicles, file cabinets, computers, or similar areas that are under

control and management of this law enforcement agency are subject to search or inspection at the direction of the Chief of Police or his or her designee.

320.4.7 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 Department within 24 hours of any change in residence address or contact numbers.
- f. Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.4.8 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 any work-related investigation.
- b. The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper, or document.
- c. Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.

- d. Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- e. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department or that would tend to discredit any of its members.
- f. Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- g. Improper political activity including:
 - 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 department property or while in any way representing him/herself as a member of this department, except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- h. Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- i. Any act on or off duty that brings discredit to this department.

320.4.9 CONDUCT

- a. Failure of any member to report activities promptly and fully 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.

- b. Unreasonable and unwarranted force to a person encountered or a person under arrest.
- c. Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
- d. Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- e. Engaging in horseplay that reasonably could result in injury or property damage.
- f. Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.
- g. Use of obscene, indecent, profane, or derogatory language while on duty or in uniform.
- h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- i. Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through carelessness or maliciousness.
- j. Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- k. Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- l. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- m. Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to

good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

320.4.10 SAFETY

- a. Failure to observe or violating department safety standards or safe working practices.
- b. Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- c. Failure to maintain good physical condition sufficient to perform law enforcement duties adequately and safely.
- 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 workplace, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- f. Unsafe or improper driving habits or actions in the course of employment or appointment.
- g. Any personal action contributing to a preventable traffic collision.
- h. Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.4.11 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.

Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol.

Such screening shall conform to this agency's policy on employee drug-screening and testing.

Policy 322 Report Preparation

322.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

322.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal, or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

322.2 REQUIRED REPORTING

Written reports are required in all the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

322.2.1 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 separate policy. These include:
 1. Use of Force Policy
 2. Domestic Violence Policy
 3. Child Abuse Policy
 4. Hate Crimes Policy
- e. All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

322.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- a. Any time an officer points a firearm at any person.
- b. Any use of force against any person by a member of this department (see the Use of Force Policy)
- c. Any firearm discharge (see the Firearms Policy)
- d. Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- e. Any found property or found evidence.
- f. Any traffic collision above the minimum reporting level (see the Traffic Collision Reporting Policy)

- g. Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- h. All protective custody detentions
- i. Suspicious incidents that may place the public or others at risk.
- j. Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

322.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- a. Sudden or accidental deaths
- b. Suicides
- c. Homicide or suspected homicide
- d. Unattended deaths (no physician or qualified hospice care in the 30 days preceding death)
- e. Found dead bodies or body parts.

322.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

A Provo City Accident/Injury report form will be completed for any injury.

A Provo City Accident/Injury report form will be completed for any traffic collision. The city investigator shall be notified.

A supervisor shall be notified of all accidents and injuries. Accident/Injury report forms will be given to the immediate supervisor.

If the injury or damage is significant, or may expose the City to potential liability, a supervisor should be notified. Supervisors notified of such events should

consider requesting an investigation by an allied agency, notification of the Chief of Police via chain of command and involvement of City Risk Management assistance.

322.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- a. The injury is a result of drug overdose.
- b. Attempted suicide.
- c. The injury is major/serious, whereas death could result.
- d. The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

322.3 EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or report completions delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

322.3.1 HANDWRITTEN REPORTS

Some report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where there is a long narrative should be typed or dictated.

Supervisors may require block printing or typing of reports of any nature for Department consistency.

322.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state, and federal agency forms may be block printed as appropriate. In general, the form, by design, may require typing.

322.4 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 practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

322.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau 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 Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

Policy 323 Media Relations

323.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

323.2 POLICY

It is the policy of the Provo City Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

323.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and designated Public

Information Officers may prepare and release information to the media in accordance with this policy and the applicable law regarding confidentiality.

323.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

323.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- a. At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- b. In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- c. Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

323.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- a. The media representative shall produce valid media credentials that shall be prominently always displayed while in areas otherwise closed to the public.
- b. Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.
- c. Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.
- d. No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

323.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

323.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include

specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

323.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

323.7.1 MEMBER INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request.

Requests should be reviewed and fulfilled by the Records Officer, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Government Records Access and Management Act).

323.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

Policy 324 Reserve Officers

324.1 PURPOSE AND SCOPE

The Provo City Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn reserve officers who can augment regular staffing levels.

324.1.1 DEFINITIONS

Sworn - Means having taken the oath of office set forth in Utah Constitution Article IV, Section 10, administered by the law enforcement agency for which a peace officer works.

Reserve Officer - Means a sworn and certified peace officer, whether paid or voluntary, who:

- a. Is serving in a reserve capacity for a law enforcement agency that is part of or administered by the state or any of its political subdivisions.
- b. Meets the basic and in-service training requirements of the peace officer classification in which the officer will function (Utah Code 53-13-111(3)).

While on-duty - Means while an officer is actually performing the job duties and work activities assigned by the employing agency and for which the officer is trained and certified, and may include time spent outside those duties and activities if that additional time involves an activity that is an integral and necessary part of the job, and is spent for the benefit, and under the direction of, the employing agency (Utah Code 53-13-101(14)(a)). "While on-duty" does not include the time an officer spends commuting between home and place of employment unless that time involves an on-duty activity identified (Utah Code 53-13-101(14)(b)).

324.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Provo City Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral, and professional standards set forth by this Department.

Reserve officers will be certified Utah Peace Officers, as defined by U.C.A. 53-13-103, who's in service training is current.

Reserve officers will be required to meet firearms qualifications of the Provo Police Department.

The reserve officer candidate will be subject to the same pre-employment screening as regular police officer candidates. Provo City Personnel Policy #006.

Reserve officers are required to work 10 hours per month.

Reserve officers will have access to the same equipment as regular officers performing like functions.

324.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment including any state and or Police Officer Standards and Training (POST) requirements.

324.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in and take a loyalty oath to observe and obey all the laws of the land and to carry out their duties to the best of their ability.

The Department may utilize a sworn and certified peace officer in a reserve or auxiliary capacity (Utah Code 53-13-111(1)(a)).

324.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

Compensation will be determined by the Police Department and Human Resources.

Benefits and privileges that accrue to Provo City Reserve Officers will be consistent with the Provo City Personnel Policies governing part-time employees.

All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

324.3 DUTIES OF RESERVE AND AUXILIARY OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Division. Reserve officers may be assigned to other areas within the Department as needed.

A reserve officer has peace officer authority only while engaged in the reserve activities authorized by the Chief of Police and shall only exercise that spectrum of peace officer authority that the Department is empowered to delegate and for which the officer has been trained and certified (Utah Code 53-13-111(1)(b)).

Reserve Officers are expected to act as Provo City Police Officers only during scheduled, approved tours of duty and are not authorized to take police action as Provo City Officers when not on-duty.

Reserve Officers are not to be used in any supervisory capacity but are considered subordinate to any full-time officer.

Reserve Officers should not be assigned as primary officers in cases requiring follow-up beyond the tour of duty on which the call is assigned.

324.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to every policy adopted by the Department. A copy of the Policy Manual will be made available to each reserve officer upon appointment, and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

324.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or shift commanders.

324.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- a. Assignment of reserve personnel.
- b. Establishing and maintaining a reserve call-out roster.
- c. Maintaining and ensuring performance evaluations are completed.
- d. Monitoring individual reserve officer performance.
- e. Monitoring overall Reserve Program.
- f. Ensure reserve officers are aware of changes in department and city policy.
- g. Audit the reserve officers annually to ensure compliance with P.O.S.T. training requirements.

324.4 FIELD TRAINING

324.4.1 TRAINING OFFICERS

Field Training Officers of the Department will train the reserve officers.

324.4.2 PRIMARY TRAINING OFFICER

Reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) program.

324.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Provo City Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. The reserve officer shall also become proficient with those skills as set forth in the manual.

324.4.4 TRAINING

Reserve officers will successfully complete the Reserve Officer Field Training Program. The Reserve Officer will be expected to obtain their mandated 40-hour in service training annually at their principal employment or otherwise.

Reserve officers are invited to participate, at their own expense and on their own time, in Provo Police sponsored training and will not be compensated by the department.

324.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers shall be under the immediate supervision of the Watch Commander. Administrative supervision will be completed by the Reserve Coordinator.

The reserve officers serve at the discretion of the Reserve Coordinator and the Chief of Police. Reserve officers can be dismissed in compliance with the rules governing part time employees as outlined by Provo City Personnel Policies.

324.5.1 RESERVE OFFICER MEETINGS

The Reserve Coordinator will keep all reserve officers abreast of any changes or additions to rules, regulations, guidelines and policies adopted by the department.

324.5.2 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

324.5.3 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of the Department.

324.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve officer 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 Division Commander.

Reserve officers are considered at-will employees.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Provo City Police Department Policy Manual.

Reserve officers will promptly and fully report activities that resulted in contact with other law enforcement agencies. Reserve officers who are involved with any criminal prosecution or fall under disciplinary action or suspension from their primary department must immediately forward the information to the Reserve Coordinator.

324.5.5 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily observation reports. The reserve will be considered a trainee until all training has been completed. The reserve coordinator will determine if the the reserve trainee has completed the training process successfully. Reserves having completed their field training will be evaluated annually.

324.6 FIREARMS REQUIREMENTS

324.6.1 CARRYING WEAPON ON-DUTY

Reserve officers shall carry a loaded firearm while on-duty. It is the policy of the Department to allow reserves to carry firearms only while on-duty and representing the Provo Police Department.

The reserve officer may carry a firearm provided by the Provo City Police Department or a personally owned firearm. If the reserve officer chooses to carry a personally owned firearm, it must be in compliance with existing Provo City Police Department policy.

324.6.2 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, except those reserve officers who possess a valid Concealed Firearms Permit (CFP) issued by the Department of Public Safety, Bureau of Criminal Investigation or are authorized to do so through their respective full time employment police department. If a Reserve officer does possess a valid CFP the Reserve officer is permitted to carry the concealed weapon under the same authority and under the same conditions as any private citizen with a valid CFP.

An instance may arise where a Reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to Department standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a department armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

324.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual.

Policy 328 Death Investigation

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for when officers initially respond to and investigate the circumstances of a deceased person. Some causes of death may not be readily apparent, and some cases differ substantially from what

they appeared to be initially. Thorough death investigations and the use of appropriate resources and evidence-gathering techniques are critical.

328.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed). A supervisor shall be notified in all death investigations.

328.2.1 MEDICAL EXAMINER/JOP REQUEST

Officers are not authorized to pronounce death unless they are also [Medical Examiner/JOP], Deputy [Medical Examiner/JOP], or appointed [Medical Examiner/JOP] investigators. The [Medical Examiner/JOP] shall be called in all sudden or unexpected deaths, or deaths due to other than natural causes. State law requires that the [Medical Examiner/JOP] be notified in any of the following cases (Utah Code 26-4-7; Utah Code 26-4-8):

- a. Unattended deaths wherein the deceased has not been attended by a physician in a professional capacity in the 365 days prior to death (Utah Code 26-4-2).
- b. By violence, gunshot, suicide, or accident.
- c. Sudden death while in apparent good health.
- d. Unattended deaths, except that an autopsy may only be performed in accordance with the provisions of Utah Code 26-4-9(3).
- e. Is under suspicious or unusual circumstances.
- f. Results from poisoning or overdose of drugs.
- g. Results from diseases that may constitute a threat to the public health.
- h. Results from disease, injury, toxic effect, or unusual exertion incurred within the scope of the decedent's employment.
- i. Is due to sudden infant death syndrome.
- j. When a fetal death occurs without medical attendance at or immediately after the delivery or when inquiry is required by the Utah Medical Examiner Act. (Utah Code 6-2-14).

- k. When there is a reason to believe that a child has died as a result of child abuse or neglect. (Utah Code 80-2-604).
- l. Results while the decedent was in prison, jail, police custody, the state hospital, or in a detention or medical facility operated for the treatment of the mentally ill, emotionally disturbed, or delinquent persons.
- m. Is associated with diagnostic or therapeutic procedures.
- n. When the death is being investigated as a homicide.
- o. When a death results directly from the actions of a law enforcement officer.

328.2.2 SEARCHING DEAD BODIES

- a. The [Medical Examiner/JOP], the [Medical Examiner/JOP]'s assistant, and authorized investigators are generally the only persons permitted to move, handle, or search a dead body.
- b. An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the [Medical Examiner/JOP] or the [Medical Examiner/JOP]'s assistant shall be promptly notified.
- c. The [Medical Examiner/JOP], with the permission of the [Department/Office], may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.
- d. Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the [Medical Examiner/JOP] or the [Medical Examiner/JOP]'s assistant, the investigating officer should first obtain verbal consent from the [Medical Examiner/JOP] or the [Medical Examiner/JOP]'s assistant when practicable.
- e. Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the [Medical Examiner/JOP] or the [Medical Examiner/JOP]'s assistant. The name and address of this person shall be included in the narrative of the death report.

f. Whenever personal effects are removed from the body of the deceased by the [Medical Examiner/JOP] or the [Medical Examiner/JOP]'s assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

328.2.3 DEATH NOTIFICATION

When practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer or detective 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 needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

328.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established, the Medical Examiner will assign a unique identifying number to the body and maintain a file under the assigned number. If possible, this number when applicable shall be included in any report.

328.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented in an appropriate report.

328.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide, suicide or other suspicious circumstances, the Criminal Investigations Unit shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation. The Special Victims Unit shall be notified of all infant deaths and shall respond to the scene for further immediate investigation.

328.2.7 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, shall ensure that the nearest office of the Utah Division of Occupational Safety and Health is notified by telephone or teletype with all pertinent information.

Policy 332 Mandatory Employer Notification

332.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures to follow when a school employee has been arrested for certain offenses.

332.2 POLICY

The Provo City Police Department will meet the reporting mandates of Utah Code 53-10-211 to minimize the risks to children or others.

332.3 MANDATORY NOTIFICATION

If a school employee is arrested, or the Department receives information from another jurisdiction of a school employee's arrest, for any of the following offenses, the Chief of Police or the authorized designee shall immediately report the arrest to the State Board of Education and the superintendent of the school district that employs the employee (Utah Code 53-10-211):

- a. Any controlled substance offense under Utah Code 58-37-8
- b. Any offense under Utah Code 76-5-401 et seq. (sexual offenses)
- c. Any offense involving sexual conduct.

If the person is an employee of a private school, notification shall be made to the administrator of the school.

Policy 334 Victim and Witness Assistance

334.1 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.

334.2 POLICY

The Provo City Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Provo City Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

334.3 CRIME VICTIM ADVOCATE

The Victim Services Program will be the point of contact for individuals requiring further assistance or information from the Provo City Police Department regarding benefits from crime victim resources. They will be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses. They will assist victims of crime, including domestic violence, child (physical and sexual) abuse, child neglect, elderly abuse, stalking, rape, sexual assault, aggravated assault, homicide, felonious deaths, death notifications, DUI, suicide or attempted suicide with serious injury, SIDS, major fires and natural disasters (as requested), and other crimes against persons.

The Victims Services Program will be assigned to the Criminal Investigation Division.

334.3.1 RESPONSIBILITIES

The responsibilities of the Victim Services Program staff are:

- a. Provide direct services to victims including, but not limited to, advocacy, counseling referrals, case status information, crisis debriefing, education about and support through the criminal justice system, accompaniment to court, transportation, reparations and restitution assistance, and referrals to public and private agencies.
- b. Serve as liaisons between victims of crime, victim advocacy groups and the police.
- c. Provide direct services in the field as needed.
- d. Develop training programs and assist with in-house training on domestic violence, victimization, victim's rights, and program responsibilities.
- e. Provide information booths, educational materials, and presentations to educate the community about victimization issues, victim's rights, and the Victim Services Program. Other topics are developed and presented as requested by the community.
- f. Support/assist police department personnel.

334.3.2 SPECIFIC VICTIM SERVICES

Victims of domestic violence and other crimes are referred to the Victim Services Program by police officers, the city attorney, outside agencies, and other sources. Once a victim is identified, available services may include, but not limited to:

- a. Assist the officers in interviewing the victim and taking photographs when necessary.
- b. Contact the victim to determine his/her needs.
- c. Interview the victim to assess the dangerousness of his/her situation.
- d. Assist the victim through the period of immediate crisis, namely the emotional and/or physical trauma.
- e. Assist the victim with emergency housing or shelter.
- f. Assist the victim with recovery of economic losses through applications to the Office on Victims of Crime and other applicable resources.
- g. Refer the victim to appropriate agencies for professional counseling and other support.
- h. Follow up with the victim to provide information about the on-going investigation, current status of the case, court procedures, etc.
- i. Coordinate the prompt return of property when possible.
- j. Take follow-up photographs of the victim as necessary.
- k. Transport the victim to court hearings and other resources as needed.
- l. Work closely with prosecutors to make sure victim's rights are protected and victim's input in the case is offered.
- m. Other services as identified when working with victims.

334.3.3 CALL OUT PROCEDURES

Victim Services Staff can be called out at the discretion of the Shift Watch Commander and/or Criminal Investigations supervisor or detective. A Victim Assistant may be called out in the following instances:

- a. A victim is unwilling to talk to officers.
- b. Incidents involving the death of an individual that are or are likely to be a crime.
- c. If a victim specifically asks for an advocate.
- d. A victim has obvious injuries, and it would be more appropriate for a female victim assistant to take those photographs.

- e. A victim needs housing and the Women's Shelter is not available as an option.
- f. Homicide.
- g. Accidental shooting or other death or injury with a victim or family member in crisis.
- h. Any crime that necessitates victim assistance or resources that cannot be reasonably initiated or obtained by someone other than a Victim Assistant.
- i. Secondary victims who witness a crime or death and are in crisis.
- j. A victim is at the Emergency Room with significant injury.
- k. Non-traffic felonious deaths.
- l. Suicide or attempted suicide with serious injury.
- m. Sudden Death Syndrome or other infant deaths.
- n. Major fires.
- o. Natural disasters.
- p. Death notifications.

In deaths that are a result of a crime, a Victim Assistant shall be called out to work with surviving family, etc. For death notifications see 328.2.3

If no Victim Assistants are available to respond, the officer should follow the department directive to assist victims of domestic violence and then leave a voice mail or copy of the report in the Victim Services Program Coordinator's mailbox.

334.3.4 LINE OF DUTY DEATHS AND SERIOUS INJURY

If a Provo Police Officer is killed in the line of duty, or seriously injured:

A Victim Assistant should accompany other appropriate personnel, to provide the notification to family members.

Victim Assistance staff will provide assistance to the family, both short and long-term in nature. Assistance may include, but is not limited to:

- a. Counseling referrals.
- b. Support during criminal proceedings (if any).

- c. Funeral and burial arrangement assistance/resources.
- d. Follow up contact with the surviving family.

334.3.5 RIGHT TO REFUSE SERVICES

The Provo Police Victim Services Program has a right to refuse services to any persons seeking services if:

- a. The individual is violent or abusive to Victim Services staff.
- b. The individual is perceived as or is a threat to the safety of Victim Services staff.
- c. The individual is identified as the defendant in the criminal justice process, not the victim in the case.
- d. A conflict of interest arises that will not be in the best interest of the victim to work with the Provo Police Victim Services' staff.

334.3.6 CONFLICT OF INTEREST

In the event our program staff incur a conflict of interest with a victim, or it is identified that for some reason our program cannot meet the needs of a victim, that person will be referred to other services providers who may be able to assist them.

334.3.7 CONFIDENTIALITY

The Provo Police Department recognizes the importance of confidentiality in its dealings with victims and witnesses. The Department will make every effort to protect victim's records, files, and victim/witness role in the development of a criminal case to the extent consistent with applicable law and Provo City Police Department policy. In addition, Domestic Violence and Rape/Sexual Assault victims will not have to make a police report when meeting with Victim Assistants unless the victim specifically requests a report be generated. The Victim Assistant does not disclose information provided by a domestic violence or rape victim if no criminal case has been initiated. The Victim Assistant is free to provide services to victims of domestic violence, dating violence, rape/sexual assault, and stalking without disclosing information. Advocates will inform victims when they may not be able to keep information being told to them confidential and under what circumstances that information must be disclosed (e.g., child abuse, elderly abuse, etc.) so the victim can make an informed decision on what information they provide to the Victim Assistant.

334.3.8 LIMITED ENGLISH, DISABLED AND SPECIAL NEEDS CLIENTS

All efforts will be made to serve all crime victims who seek services from our program. To adequately serve all clients, the following will occur:

- a. A bi-lingual Spanish-speaking Victim Assistant will be maintained on the staff to serve Spanish-speaking clients.
- b. In the event the Spanish-speaking Victim Assistant is unavailable, staff will attempt to find an officer or another City employee who speaks Spanish to assist with interpretation.
- c. Using children to interpret for victims of abuse is discouraged and will be avoided if possible. This should only occur if the victim brings an adult child to interpret, or in the case of extreme emergency.
- d. Translation services will be sought from other community services (e.g., Se-go Lily, Brigham Young University translation department, Missionary Training Center) for languages other than English or Spanish when needed. When appropriate, City employees who speak other languages or sign will be utilized.

334.3.9 DISCRIMINATION

Provo City and the Provo Police Department does not discriminate per Provo City personnel policy #030. The Provo City Victim Services Program staff will ensure assistance is provided to victims seeking our services without regard to age, race, creed or religion, color, disability, sex, or national origin.

334.3.10 COMPLAINT PROCESS

In the event a victim files a complaint against a Victim Assistant, the Departmental complaint process will be followed to ensure fair investigation of the complaint.

This includes formal complaints of a victim's civil rights being violated.

The Office on Victims of Crime at 350 East 500 South, Suite 200, Salt Lake City, Utah 84111, 801-238-2360 will be notified if a formal civil rights complaint has been filed against a Victim Assistant.

334.3.11 CRIME VICTIM LIAISON DUTIES

The crime victim liaison processes requests to review open investigations as set forth in Utah Code 11-64-101 (Victim Rights Amendments).

334.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

334.5 WITNESSES

Officers should never guarantee a witness's safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

334.6 VICTIM ASSISTANCE FOR STALKING

Officers investigating allegations of stalking should take reasonable steps to protect the victim and any family or household member. This includes the following (Utah Code 76-5-106.5):

- a. Victims shall be provided with the Provo City Police Department stalking information handout, even if the incident may not rise to the level of a crime.
- b. Victims shall also be alerted to any available victim advocates, shelters, and community resources.
- c. When an involved person requests law enforcement assistance while removing essential items of personal property, officers shall stand by for a reasonable amount of time.
- d. If the victim has sustained injury or complains of pain, officer shall seek medical assistance for the victim as soon as practicable.
- e. Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

- f. Officer should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- g. If appropriate, officer shall seek or assist the victim in obtaining an emergency order.
- h. Seize any firearms or other dangerous weapons, if appropriate and legally permitted, for safekeeping or as evidence.

Policy 337 Volunteer Program

337.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

337.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation, or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

337.2 VOLUNTEER MANAGEMENT

337.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Chief of Police. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- a. Recruiting, selecting, and training qualified volunteers for various positions.
- b. Facilitating the implementation of new volunteer activities and assignments.
- c. Maintaining records for each volunteer.
- d. Tracking and evaluating the contribution of volunteers.
- e. Maintaining the volunteer handbook and outlining expectations, policies, and responsibilities for all volunteers.
- f. Maintaining a record of volunteer schedules and work hours.
- g. Completion and dissemination as appropriate of all necessary paperwork and information.
- h. Planning periodic recognition events.
- i. Administering discipline when warranted.
- j. Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

337.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

337.2.3 SCREENING

All prospective volunteers shall complete the volunteer application form. The Volunteer Coordinator or designee shall conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- a. Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the Utah Department of Public Safety.
- b. Employment.
- c. References.
- d. Credit check.

337.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities, and the needs of the Department.

The program is divided into three tiers of volunteers:

Tier 1, Administrative Functions -- ex. office/clerical support, fingerprinting, department tours

Tier 2, Specialized Assignments -- ex. support for Victim Services

Tier 3, Field Duty -- ex. manual/pedestrian traffic control, Community Policing events, Citizens on Patrol (Park/River Trail patrol), chaplain services

337.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies, and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator. Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

337.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness, or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- a. Driver's license
- b. Traffic citations
- c. Medical condition
- d. Arrests
- e. Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

337.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

337.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- a. Take the time to introduce volunteers to employees on all levels.
- b. Ensure volunteers have workspace 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.

337.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by

departmental policy and supervisory personnel. Confidential material, reports and investigative files are the property of the Provo City Police Department.

Volunteers shall not be in possession of confidential material, reports, and investigative files outside of their volunteer duties.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

337.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be always worn while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

337.5.1 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 and department approved driver safety course.
- b. Verification that the volunteer possesses a valid Utah Driver's License.
- c. Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a department vehicle Code-3.

337.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete Utah Criminal Justice Information System (UCJIS) and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and UCJIS training is provided for volunteers whenever necessary. The Office of Professional Standards and Training will maintain records of the completed training.

337.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

All disciplinary action requires notification to the Chief of Police.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

337.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

337.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure

optimum satisfaction on the part of volunteers. The Volunteer Coordinator will provide an annual report to the Chief of Police covering the previous calendar year. This report will be due on or before January 31st.

Policy 338 Off-Duty Law Enforcement Actions

338.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Provo City Police Department with respect to taking law enforcement action while off-duty.

338.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (Utah Code § 77-9-3).

338.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms

while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage, taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

338.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- a. The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- b. The inability to communicate with responding units.
- c. The lack of equipment, such as handcuffs, OC or baton.
- d. The lack of cover.
- e. The potential for increased risk to bystanders if the off-duty officer were to intervene.
- f. Unfamiliarity with the surroundings.
- g. The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

Specific Expectations

An officer would specifically be expected to assist another law enforcement officer, whether that officer is a member of the Provo Police or some other agency, if the officer was being assaulted or otherwise was in danger.

Officers who drive police vehicles while off-duty, are expected to respond to the following incidents if within a reasonable distance therefrom:

- a. Crimes in progress
- b. Officers needing assistance.
- c. Being summoned or flagged down by citizens.
- d. Alarm calls
- e. Incidents where injuries requiring first-aid may exist.
- f. Other incidents where immediate police response is advantageous.
- g. Incidents requiring stabilization until the arrival of assigned officers.

338.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a Provo City Police Department officer until acknowledged. Official identification should also be displayed.

338.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

338.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

338.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

338.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a Provo City Police Department Supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Provo City Police Department). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency as soon as reasonably possible (Utah Code § 77-9-3). The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Policy 339 ROADBLOCKS/ADMINISTRATIVE CHECKPOINTS

339.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures which will govern the use of roadblocks by members of the Provo Police Department. The policy is intended to insure that roadblocks be conducted in a reasonable fashion for legitimate public safety purposes and within the framework of prevailing law.

339.1.1 INTRODUCTION

For purposes of this policy, roadblocks will be identified in two categories as follows:

1. Advisory roadblocks
2. Administrative Checkpoints

Each has special purposes and objectives and is guided by different rules and legal standards.

Of utmost importance is the safety consideration that must be strictly adhered to when establishing any type of roadblock so that the motoring public is in no way endangered by the roadblock practices used by the police department.

Of secondary but also of great importance is the consideration which must be given to the imposition on the motoring public; consequently, every effort will be taken to make the police intrusion and the police-caused delays as innocuous as possible while at the same time achieving legitimate public safety purposes.

339.1.2 ADVISORY ROADBLOCKS

Advisory roadblocks are designed to limit or prevent vehicular entry into unsafe or closed roads as may be required by inclement weather, disasters, accidents, or on-going criminal investigations.

These roadblocks will initially be established by using whatever equipment and resources that are available. However, as soon as possible arrangements will be made with Provo City Street Department, Utah Department of Transportation or appropriate utility companies who will be asked to supply appropriate barricades, flares, signs, or other equipment and to assume responsibility for staffing the roadblock.

In those instances where necessary, however, police personnel will be assigned to the roadblock as determined by the on-duty shift supervisor.

339.1.3 CHECKPOINTS

The Provo City Police Department, to promote public safety, conserve its resources and make the most economical use of its officers and equipment, will establish checkpoints at various locations in Provo City. These checkpoints will be used, primarily, to enforce Title 41, Chapter 6a, Part 5 of the Utah State Code as an effective method for protecting public safety and for creating a deterrent effect through increased public perception of enforcement activity. To ensure the lawful completion of law enforcement actions, while minimizing risk and inconvenience to the public, all roadblocks and checkpoints will be conducted consistent with the following procedures.

Procedure:

Checkpoints and their location will be established and operated upon written authority of a magistrate in accordance with UCA 77-23-101 to 105. The magistrate may issue written authority to establish and operate an administrative traffic checkpoint if:

1. There has been approval from the Chief of Police, and the Patrol Division Commander. A command level (rank of Lieutenant or above) designee will submit to a magistrate a written plan signed by the command level supervisor. The plan shall include the following:

- a. The location of the checkpoint including geographical and topographical information.

- b. The date, time, and duration of the checkpoint.
- c. The sequence of traffic to be stopped.
- d. The purpose of the checkpoint, including the inspection or inquiry to be conducted.
- e. The minimum number of personnel to be employed operating the checkpoint, including the rank of the officer or officers in charge at the scene.
- f. The configuration and location of signs, barriers, and other means of informing approaching motorists that they must stop and directing them to the place to stop.
- g. Any advance notice to the public at large of the establishment of the checkpoint.
- h. The instruction to be given to the law enforcement officer operating the checkpoint.

2. A magistrate shall make an independent judicial determination that the plan includes the following:

- a. Minimizes the length of time the motorist will be delayed.
- b. Minimizes the intrusion of the inspection or inquiry.
- c. Minimizes the fear and anxiety the motorist will experience.
- d. Minimizes the degree of the discretion to be exercised by the individual law enforcement officers operating the checkpoint.
- e. Maximizes the safety of the law enforcement officers and the motorist.
- f. The plan meets the requirements of UCA 77-23-104 (2)(b)

Public Notice:

Upon receiving approval, the patrol division commander or his/her designee will place one advertisement in the "Daily Herald" two (2) weeks prior to the checkpoint using the following format:

NOTICE

During the month of _____ the Provo City Police Department will be establishing checkpoints at _____ Provo Utah, in an effort to enforce violations of the Utah State vehicle code.

339.1.4 SUPERVISION

Administrative checkpoints shall be staffed with a minimum of three (3) officers and a check point supervisor. The check point supervisor shall be a command level officer with the rank of Sergeant or above. The check point supervisor will be responsible for the operation of the checkpoint and will have full authority to make all on-scene decisions concerning the operation of the checkpoint consistent with this directive and Utah State Law.

The check point supervisor will also be responsible for conducting a briefing for all participating officers prior to the instigation of the checkpoint, a debriefing upon the conclusion of the checkpoint, documentation, and cleanup.

The check point supervisor will initiate a case number prior to the establishment of the checkpoint and will see that a report is made. All aspects of the checkpoint operation will be recorded in the report. Specifically, the following must be included:

- a. Time of commencement and time of discontinuance.
- b. Time of any change in stopping scheme and the reason for the change
- c. Circumstances of all arrests and citations, impounds and evidence. A general note in the report will also address the degree of effectiveness showing how the checkpoint is more effective with respect to numbers of violators apprehended at the checkpoint as opposed to standard patrol techniques.

The check point supervisor will have a copy of the checkpoint plan and signed authorization present at the checkpoint site and will make it available for exhibit to any motorist who has been stopped upon the request of the motorist.

339.1.5 SITE SELECTION

The site at which a checkpoint will be conducted will be selected based on the perceived problem to be addressed with consideration for safety being of paramount importance with specific attention being paid to the following:

- a. Speed of the traffic

- b. Visibility
- c. Weather conditions
- d. Traffic volume
- e. Road width

339.1.6 SIGNAGE AND SITE SAFETY

Signs that have been approved by the patrol division commander will be placed so that the motoring public will have adequate warning that a checkpoint is being conducted.

Appropriate reflector safety equipment shall be provided and utilized by all personnel. These may include flares (fuses) and/or reflectors to illuminate the site and aid in traffic direction. Warning signs, flares, cones and/or other emergency lighting equipment shall be utilized and displayed in compliance with the site plan.

Signs shall be placed at the checkpoint site prior to establishing the checkpoint. Sign placement shall be exactly as diagrammed and approved in the authorized checkpoint plan and according to Site Selection. The signs shall be placed to ensure that the public has adequate advanced warning of the checkpoint. If necessary, the signs will be lighted by flares or flashers or other means of illumination during hours of darkness.

339.1.7 PERSONNEL

No less than three (3) officers and a check point supervisor will be used for a checkpoint.

It will be the responsibility of the check point supervisor to assign the personnel.

All personnel assigned to work a checkpoint will be in uniform. Reflective safety vests shall be always worn by law enforcement officers during the operation of the checkpoint. This also includes the set up and take down of the checkpoint.

Law enforcement officers may use a flashlight with an orange traffic cone attached, to assist in the direction of traffic and aid in visibility during hours of darkness.

339.1.8 OFFICER/MOTORIST CONTACT

All officer contact with motorists stopped in the checkpoint will be courteous and professional and every effort will be made to expedite the business to be conducted. Officers should utilize a statement/question similar to the following upon contact with the driver of the stopped vehicle: "Good afternoon/evening. You have stopped at a Provo Police administrative checkpoint aimed at deterring impaired driving. Have you consumed any substance that might impair your driving ability?" During the conversation with the driver, law enforcement officers should pay particular attention to any symptoms or indicators of impairment.

This initial inquiry shall last no longer than is necessary, unless there is articulable reasonable suspicion, or probable cause exists indicating a criminal violation. Further investigation and inspection should take place out of the traffic lanes in order to avoid interfering with other vehicles and checkpoint operations.

If there is no other compelling reason to detain the vehicle, the law enforcement officer shall thank the motorist for their cooperation and permit the vehicle to proceed through the checkpoint.

In some instances, drivers may choose to not cooperate with officers by refusing to roll down their windows or by attempting to turn their vehicles around to avoid the checkpoint.

339.1.9 VEHICLE SELECTION AT THE CHECKPOINT

The stopping of vehicles must be totally objective. Either all vehicles must be stopped or every third, fifth, tenth or twentieth vehicle, etc. The decision to change the scheme under which vehicles are stopped must be based entirely on the question of inconvenience to the public, e.g., if traffic is backing up too far and there is an inordinate waiting period when officers are stopping every fifth car, then the change should be made to stop every tenth or twentieth car. No other reason for changing the scheme by which vehicles are stopped is acceptable and may be made only by the check point supervisor.

Every attempt will be made to keep the delay to motorists at less than five minutes. If the delay exceeds five minutes, then consideration will be given to changing the scheme by which vehicles are stopped. The check point supervisor will make this determination.

339.1.10 VIDEO RECORDING

At some point during the checkpoint, preferable prior to the official start of the checkpoint, the checkpoint supervisor or his designee will record the checkpoint site set up from all directions. The recording will be part of the case file, upon completion of the report.

339.1.11 TIMING

The time of day during which the checkpoint will be operating is to be determined solely by the problem that is being addressed by the checkpoint. The checkpoint must be in operation for no less than two hours unless there are some specific circumstances which, in the check point supervisor's opinion, dictate an earlier termination.

339.1.12 SEARCH, ARREST OR CITATION

Should a search, arrest or citation become necessary, the driver should be directed to move to an out-of-traffic location designated for that purpose. There, the matter can be more fully investigated.

The officer developing the probable cause shall direct the remaining investigative process. All reports, citations and other documents are the responsibility of this officer. A separate case number and report shall be created for that specific incident and the report will be referenced to the original checkpoint case number.

Policy 342 Subpoenas and Court Appearances

342.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Provo City Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

342.2 POLICY

Provo City Police Department members will respond appropriately to all properly served subpoenas and any other court-ordered appearances.

342.3 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.

342.4 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department 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.

342.5 COURTHOUSE 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 department 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.

342.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content to be prepared for court.

342.6 OVERTIME

Court appearances are an integral part of a police officer's responsibilities. The following are the procedures for court appearance pay:

1. When court appearances are part of an officer's regular on-duty work shift the witness check will be turned in without any additional compensation.
2. Off-duty court appearances will receive a minimum of two hours pay at a rate of 1.5 overtime pay. If an officer spends more than two hours in court, he will be compensated at 1.5 overtime pay for the actual amount of hours spent in court.
 - a. Officers must request and receive the appropriate court witness fee check. Once received, the officer will then present it to his/her supervisor.
 - b. The Officer has the option of cashing the witness fee check or must submit it when received, after applying for overtime compensation.
 - c. When appearing in court per a subpoena, officers will only be compensated for actual time spent in court and will not be compensated for travel time or lunch

periods.

d. If an officer is required to attend court for two or more subpoenas on the same day, he will be compensated for two separate cases if they occur in different segments of a day (morning and afternoon). If the cases occur in one segment of the day he will only be compensated as if it is one case.

3. In the case of an extended court appearance, expected or otherwise, officers must notify their supervisors as soon as practical. Supervisors will then make every effort to adjust the officer's work week.

Policy 343 Police Department Security

343.1 PURPOSE

To secure the Police Department and to identify individuals who have temporary business within the Police Department. To limit access into the Department, and to establish procedures for entry of non-uniform Police personnel into the Department.

343.2 IDENTIFICATION

Due to security concerns and the fact that we are constantly faced with hiring and replacing employees, all non-uniformed sworn will either have their department police badge visible or have a department identification badge and lanyard always worn within the Police Department. All non-uniformed civilian, full and part-time employees will be required to always wear a department identification badge and lanyard within the Police Department.

This identification shall be worn on the outside of the employees' clothing, so that it can be easily seen and recognized.

343.4 ENTRANCE POINTS

All exterior doors into the Police Department should be kept always secured. Special attention should be given to West doors, as these doors are often left propped open temporarily for easy, quick access. These doors must be kept secured at all times. The underground parking doors are to be secured at all times.

The front office entrance door is to be kept always locked. Visitors are to be admitted only after checking in with front office personnel or when accompanied by a police department employee.

343.5 COMMUNICATIONS CENTER

The Communications Center shall be secured with access limited to authorized personnel only. Visitors to the Communications Center should be pre-authorized by a supervisor. Visitors must sign in at the visitor log located at the main entry door. Identification should be checked, and the Dispatch personnel allowing the visitor entry into the Center should initial the log.

Entry into the Communications Center shall not be granted to an unknown person/affiliation at any time.

Officers are not to be in the Communications Center without a legitimate business purpose. Officers are to check in and out of Dispatch on the radio.

Policy 400 Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Provo, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per 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, community presentations.
- c. Calls for service, both routine and emergency in nature.
- d. Investigation of both criminal and non-criminal acts.
- e. The apprehension of criminal offenders.
- f. Community Based 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 Division and other divisions within the Department, as well as other outside governmental agencies.
- h. The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Based Policing and problem-solving strategies.
- i. Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Provo City Police Department to make every reasonable effort to gather and report any information that may relate to either foreign or domestic terrorism accurately and appropriately. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism related reports are forwarded to the Criminal Investigations Unit Supervisor and the Crime Analyst in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Provo City Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analyst will be the central contact for information exchange. Criminal information and intelligence reports can be distributed to all divisions within the Department through the hot sheet and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer 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 BRIEFING

Patrol supervisors, detective sergeants and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Briefing as time permits.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades, and sporting events. Officers 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.

Officers 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. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers 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.

Policy 401 Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Provo City Police Department's commitment to policing that is fair and objective (Utah Code 10-3-913; Utah Code 17-22-2; Utah Code 53-1-108).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Biased-based policing - An inappropriate reliance on 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 affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Provo City Police Department 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 department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIASED-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer 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 officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- a. Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisor should document these discussions, in the prescribed manner.
- b. Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- c. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- d. 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 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Officer.

Policy 404 Crisis Negotiation Team (CNT) / Special Weapons and Tactics Team (SWAT)

404.1 PURPOSE AND SCOPE

The Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT) have been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

404.1.1 OPERATIONAL AND ADMINISTRATIVE STRUCTURE

The Policy Manual sections pertaining to the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT) are divided into Administrative

and Operational sections. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to Department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units. These incidents include, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of Department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 PROGRAM

It shall be the policy of the Department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- a. Command and Control.
- b. Containment.
- c. Entry/Apprehension/Rescue.

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.2.1 PROGRAM CONSIDERATIONS

An assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should

consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or designee.

404.2.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- a. Locally identified specific missions the team is capable of performing.
- b. Team organization and function.
- c. Personnel selection and retention criteria.
- d. Training and required competencies.
- e. Procedures for activation and deployment.
- f. Command and control issues, including a clearly defined command structure.
- g. Multi-agency response.
- h. Out-of-jurisdiction response.
- i. Specialized functions and supporting resources.

404.2.3 OPERATIONAL PROCEDURES

This Department shall develop a separate written set of operational procedures that are in accordance with a SWAT team's level of capability, and that use sound, risk reduction practices. The operational procedures should be associated with the National Tactical Officers Association Suggested SWAT Best Practices, in agreement with our legal department, Utah County Attorney's Office, and the Attorney General's Office. Because such procedures are specific to SWAT and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- a. Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
 1. All SWAT team members should understand operational planning.
 2. SWAT team training should consider planning for both spontaneous and planned events.

3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- b. Plans for mission briefings conducted prior to an operation unless circumstances require immediate deployment.
 1. When possible, briefings should include the specialized units and supporting resources.
- c. Protocols for a sustained operation, which may include relief, rotation of personnel and augmentation of resources.
- d. A generic checklist to be worked through prior to initiating a tactical action. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- e. The appropriate role for a trained negotiator.
- f. A standard method of determining whether a warrant should be regarded as high-risk.
- g. A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- h. Post-incident scene management including:
 1. Documentation of the incident.
 2. Transition to investigations and/or other units.
 3. Debriefing after every deployment of the SWAT team.
 - a. After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. Debriefing also helps to identify training needs and reinforces sound risk management practices.
 - b. To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
 - c. When appropriate, debriefing should include specialized units and resources.
- i. Sound risk management analysis.

- j. Standardization of equipment deployed.

404.3 TRAINING NEEDS ASSESSMENT

The SWAT Commander or designee shall conduct an annual SWAT training needs assessment, to include each operator's skills and knowledge base, to ensure that training is conducted within team capabilities and the Department Policy Manual.

404.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of a department-approved Basic SWAT Course or its equivalent.

- a. To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed Department requirements.

404.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

404.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander Course or its equivalent. SWAT command personnel should attend a POST-certified SWAT Commander Course, Tactical Commander Course, or its equivalent.

404.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT Commander. The SWAT Commander may conduct monthly training exercises that include a review and critique of

personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- a. Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- b. Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score within 30 days. The member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- c. Those members who are on vacation, ill or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.
- d. Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team Firearms staff approved by the SWAT Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- e. Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Firearms staff who has been approved by the SWAT Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

404.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.3.6 SCENARIO-BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented, and records maintained by OPST. Such documentation shall be maintained in each member's individual training file.

404.4 UNIFORMS, EQUIPMENT AND FIREARMS

404.4.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.4.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

404.4.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

404.4.4 OPERATIONAL READINESS INSPECTIONS

The SWAT Commander shall appoint a supervisor or designee to perform operational readiness inspections of all unit equipment at least annually. The result of the inspection will be forwarded to the SWAT Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SWAT Locker and equipment maintained or used in all SWAT and CNT vehicles.

404.5 MANAGEMENT/SUPERVISION OF SWAT TEAM AND CRISIS NEGOTIATION TEAM

The Commander of the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT) shall be selected by the Chief of Police upon recommendation of Staff. The team Commander serves at the discretion on the Chief.

404.5.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Special Operations Division Commander, the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT) shall be managed by a Lieutenant.

404.5.2 TEAM SUPERVISORS

The Crisis Negotiation Team and each Special Weapons and Tactics Team will be supervised by specialty trained personnel to include Sergeants, Master Officer's or others based on qualifications.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by the Special Operations Division Commander, CNT Commander, and the SWAT Commander.

The following represent the supervisor responsibilities for the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT).

- a. The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team, which will include deployment, training, first line participation and other duties as directed by the CNT Commander.
- b. The SWAT supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation and other duties as directed by the SWAT Commander.

404.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate, and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

404.6.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a memo of interest to the Special Operations Division Commander. A copy will be forwarded to the Crisis Negotiation Team Commander. Qualified applicants may be invited to an oral interview. Interested personnel shall be evaluated by the following criteria:

- a. Recognized competence and ability as evidenced by performance.
- b. Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- c. Effective communication skills to ensure success as a negotiator.
- d. Special skills, training, or appropriate education as it pertains to the assignment.
- e. Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

A list of successful applicants shall be submitted to Staff, by the Special Operations Division Commander, for final selection.

404.6.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the POST-certified (or approved) Basic Negotiators Course prior to an actual crisis. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The following procedures serve as directives for the administrative operation of the SWAT Team.

404.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a memo of interest to the SWAT Team Commander. Those qualifying applicants will then be invited to participate in the testing process. The testing process will consist of an oral board and physical agility.

- a. Oral board: The oral board will consist of personnel selected by the SWAT Team Commander.
- b. Applicants will be evaluated by the following criteria:
 1. Recognized competence and ability as evidenced by performance.
 2. Demonstrated good judgment and understanding of critical role of SWAT member.
 3. Special skills, training, or appropriate education as it pertains to this assignment.
 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- c. Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT Team Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- d. A list of successful applicants shall be submitted to the Chief and the Captain designated over SWAT.

404.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Team Commander. The performance and efficiency level, as established by the SWAT Team Commander, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than

satisfactory shall be subject to dismissal from the team. All operators must remain in good standing with their respective departments.

404.8 OPERATION GUIDELINES FOR SWAT TEAM AND/OR CRISIS NEGOTIATION TEAM

The following procedures serve as guidelines for the operational deployment of the SWAT Team and the Crisis Negotiation Team. Generally, the SWAT Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team, such as warrant service operations. This shall be at the discretion of the SWAT Team Commander.

404.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the SWAT Team and/or the Crisis Negotiation Team is to respond. Upon final determination by the Watch Commander, he/she will notify the SWAT/CNT Team Commander.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF SWAT AND/OR CRISIS NEGOTIATION TEAM

The following are examples of incidents which may result in the activation of the SWAT Team and/or the Crisis Negotiation Team:

- a. Barricaded suspects who refuse an order to surrender.
- b. Incidents where hostages are taken.
- c. Cases of suicide threats.
- d. Arrests of dangerous persons.
- e. Any situation that could enhance the ability to preserve life, maintain social order and ensure the protection of property.

404.8.3 OUTSIDE AGENCY REQUESTS

Deployment of the Provo City Police Department SWAT Team and/or Crisis Negotiation Team in response to requests by this or other agencies must be authorized by a Division Commander or Chief.

404.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOUs, or working relationships to support multi-jurisdictional or regional responses.

- a. If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- b. Members of the Provo City Police Department SWAT team shall operate under the policies, procedures and command of the Provo City Police Department when working in a multi-agency situation.

404.8.5 MOBILIZATION OF SWAT TEAM AND/OR CRISIS NEGOTIATION TEAM

The on-scene supervisor shall make a request to the Watch Commander for the SWAT Team and/or the Crisis Negotiation Team. The Watch Commander shall then notify the SWAT/CNT team commander. If unavailable, a team supervisor shall be notified. The SWAT/CNT team commander, team supervisor or the Watch Commander will then notify the Special Operations Division Commander as soon as practical.

The Watch Commander should advise the SWAT/CNT team commander with as much of the following information which is available at the time:

- a. The number of suspects, known weapons and resources.
- b. If the suspect is in control of hostages.
- c. If the suspect is barricaded.
- d. The type of crime involved.
- e. If the suspect has threatened or attempted suicide.
- f. The location of the command post and a safe approach to it.
- g. The extent of any perimeter and the number of officers involved.
- h. Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SWAT/CNT team commander or supervisor shall then authorize the call out of the SWAT Team and/or the Crisis Negotiation Team.

404.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT Team and/or the Crisis Negotiation Team at the scene, the Incident Commander shall brief the CNT/SWAT team commander and/or team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CNT/SWAT team commander, whether to deploy the SWAT Team and/or the Crisis Negotiation Team. Once the Incident Commander authorizes deployment, the SWAT team commander will be responsible for the tactical portion of the operation. The CNT commander will be responsible for the negotiations portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SWAT Team and/or the Crisis Negotiation Team. The Incident Commander and the CNT/SWAT team commander or designee shall always maintain communications. Whenever possible a member of the Command Staff should respond to the above-mentioned incidents.

404.8.8 COMMUNICATION WITH SWAT TEAM AND/OR CRISIS NEGOTIATION TEAM PERSONNEL

All those persons who are non-SWAT Team and/or Crisis Negotiation Team personnel should refrain from any non-emergency contact or interference with any member of the team during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT Team and/or Crisis Negotiation Team personnel directly. All non-emergency communications shall be channeled through a SWAT Team and/or Crisis Negotiation Team designee.

Policy 405 Ride-Along Program

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

405.1.1 ELIGIBILITY

The Provo City Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons; however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 14-years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor
- Staffing shortage

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. 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 Chief of Police, Division Commander, or Watch Commander.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a Ride-Along Waiver Form. Information requested will include a valid ID or Utah driver's license, address, and telephone number. If the participant is under 18-years of age, a parent/guardian must be present to complete the Ride-Along Waiver Form.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise of the denial.

405.2.1 PROGRAM REQUIREMENTS

Once approved, individuals participating in the ride-along program may do so for a period not to exceed three hours per ride-along and not more than three times during a 30 day period.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

405.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in collared shirt, blouse or jacket, slacks, and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of the Department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. If such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include local records check and a state record check through the Bureau of Criminal Investigation (BCI) prior to their approval as a ride-along with a law enforcement officer, provided that the ride-along is not an employee of the Provo City Police Department.

405.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall always consider the safety of the ride-along. Officers 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. The dispatcher will be advised of the situation and as soon as practical have another police vehicle respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Patrol Captain is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the Ride-Along Waiver Form shall be returned to the Patrol Captain with any comments which may be offered by the officer.

405.4 CONTROL OF RIDE-ALONG

The assigned employee shall always maintain control over the ride-along and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- a. The ride-along will follow the directions of the officer.
- b. The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.
- c. The ride-along may terminate the ride at any time. If the ride-along interferes with the performance of the officer's duties, the officer may terminate the ride-along and return the observer to his/her home or to the station.
- d. Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- e. Officers will not allow any ride-alongs 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 citizen.
- f. Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.
- g. A ride-along who is a certified police officer, in good standing with their department, may carry a concealed weapon. No other ride-along will possess a firearm or any other weapon, including a concealed carry permit holder.

Policy 406 Hazardous Material Response

406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which by its nature, containment, and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

406.3 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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 as applicable.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained, and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, PPE is available from supervisors. PPE not maintained by this department may be available through the appropriate fire department or emergency response team.

406.4 POLICY

It is the policy of the Provo City Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

406.5 FIRE RESPONSE

Officers responding to a scene that involves a fire or a fire hazard should:

- (a) Make the initial assessment of a fire or fire hazard from a safe distance.
- (b) Notify dispatch, appropriate supervisors, and the appropriate fire department.
- (c) When possible, to do so safely, identify potentially combustible materials that may pose an increased fire hazard and take appropriate preventative safety measures to protect life.
- (d) When possible, to do so safely, make reasonable efforts to secure the scene, establish a safe perimeter, and evacuate any areas that pose a risk to the safety of others.
- (e) Provide first aid to injured parties if it can be done safely.

406.6 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Dispatch, appropriate supervisors, the appropriate fire department, and hazardous response units.
 - 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.
- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.
2. Driver's statements or shipping documents from the person transporting the material.
3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include: (i) The type of material. (ii) How to secure and contain the material. (iii) Any other information to protect the safety of those present, the community, and the environment.

(f) Provide first aid to injured parties if it can be done safely and without contamination.

(g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

(i) Establish a decontamination area when needed.

(j) Activate automated community notification systems, if applicable.

(k) Notify the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control.

Policy 408 Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Provo City Police Department 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.

408.2 POLICY

It is the policy of the Provo City Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department 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 department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 PROVO CITY POLICE DEPARTMENT FACILITY

If the bomb threat is against the Provo City Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Provo City Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

408.4.3 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.

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.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Provo, 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.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

Members of the Bomb Squad should be notified by the watch commander or shift supervisor when police assistance is requested. The Bomb Technician will make the decision whether the Department 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 police control over the facility.

Should the Bomb Technician determine that the Department 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.
 - 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 police assistance to clear the interior of a building, based upon the circumstances and known threat, officers 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.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- a. No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- b. The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- c. The use of police radio to maintain contact during an evacuation process is vital however consideration should be given to the proximity to the suspected explosive device. Officers should limit exposure to the potential blast area. Officers should not delay evacuation of the immediate potential blast area.
- d. The Provo Bomb Squad should be summoned for assistance.
- e. The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

- f. Promptly relay available information to the Watch Commander or Bomb Technician including:
 - a. The time of discovery.
 - b. The exact location of the device.
 - c. A full description of the device (e.g., size, shape, markings, construction).
 - d. The anticipated danger zone and perimeter.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, preserve evidence, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Officers 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. Preserve evidence.
- g. Establish an outer perimeter and evacuate if necessary.
- h. Identify witnesses.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state, or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

408.7.3 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.

408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers 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.

Policy 409 Civil Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for a civil commitment.

409.2 POLICY

It is the policy of the Provo City Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

409.3 AUTHORITY

409.3.1 VOLUNTARY EVALUATION

If an officer 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 officers should:

Transport the individual to an appropriate facility that can conduct the evaluation and admit the person pursuant to a civil commitment.

Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.

409.3.2 COMMITMENT OF ADULTS

An officer should take an adult person into protective custody when that officer observes the individual involved in conduct that gives the officer probable cause to believe the following (Utah Code 62A-15-629):

The person has a mental illness.

The mental illness and conduct of the person pose a substantial danger to that person or others.

The officer should transport the person to a temporary commitment facility designated by the local mental health authority (Utah Code 62A-15-629).

409.3.3 COMMITMENT OF CHILDREN

An officer should take a child into protective custody for purposes of a 72-hour civil commitment when that officer observes the child involved in conduct that gives the officer probable cause to believe each of the following (Utah Code 62A-15-629; Utah Code 62A-15-703):

The child has a mental illness (Utah Code 62A-15-602).

The mental illness and conduct of the child pose a substantial danger to that child or others.

The child will benefit from mental health care and treatment.

There is no appropriate less-restrictive alternative.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

Community or neighborhood mediation services.

Conflict resolution and de-escalation techniques.

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 officers from taking reasonable action to ensure the safety of the officers 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.

409.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer 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.

Officers may transport individuals in a patrol vehicle and should 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 an officer during the transport, Watch Commander approval is required before transport commences.

409.5.1 METHOD OF TRANSPORTATION

Officers taking a person into custody for a civil commitment should ensure that the person is transported to a designated temporary commitment facility as follows (Utah Code 62A-15-629):

The person should be transported by ambulance when the person meets any of the criteria described in Utah Code 26-8a-305.

When necessary for public safety, and when the designated facility is within the jurisdiction of the Provo City Police Department, the person should be transported by the detaining officer using a City vehicle appropriate for use in transporting persons for purposes of a civil commitment.

If the designated facility is outside of this City's jurisdiction, a request should be made to the appropriate officers to transport the person to the designated facility.

The person may be transported by ambulance if the officer's presence is not necessary for public safety and such transportation arrangements have been made by a physician, designated examiner, or mental health officer.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer 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 officer 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 officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

The officer shall complete an application for commitment, using the form prescribed by the Division of Substance Abuse and Mental Health, provide it to the facility staff member assigned to the individual and retain a copy of the application for inclusion in the case report (Utah Code 62A-15-629).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil mental commitment should resolve the criminal matter by issuing a warning or a citation, 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 officer should:

Arrest the individual when there is probable cause to do so.

Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

Facilitate the individual's transfer to the jail facility.

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 transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard), and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers 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).

Officers 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 officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.10 TRAINING

This department will endeavor to provide POST-approved training on interaction with mentally disabled persons, civil commitments, and crisis intervention.

Policy 410 Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Provo City Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

410.2 POLICY

The Provo City Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

410.3 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).
- 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).

410.4 SERVICE OF CITATION / ELECTRONIC FILING

Any person subject to arrest or prosecution on a misdemeanor or infraction charge may be issued and delivered a citation that requires the person to appear at the court of the magistrate with territorial jurisdiction. A peace officer who issues a citation pursuant to 77-7-18 shall give the citation to the individual cited and shall within five business days electronically file the data with the court specified on the citation (UCA 77-7-20). The individual who is being cited is not required to sign the citation.

Physical Arrest

If the violator gives information for an identity that cannot be confirmed or refuses to give ID, he/she may be taken into custody. The arrest, however, will be proceeded by a field supervisor coming to the scene, who independently of the initiating officer will explain the implications of failing to identify. If the person still refuses, a physical arrest may be affected.

410.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers 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.
- g. Whether the jail will take custody of the person based on the severity of the offense.

In the matter of DUI cases officers should not release with a citation. Officers shall book all DUI arrestees at Utah County Jail. Arrestees who may not be released from the hospital or are refused jail booking may be released with citation after a supervisor reviews the case. Supervisors should make reasonable efforts to release intoxicated arrestees to responsible persons.

410.6 STATE PRIVILEGES

410.6.1 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).

410.6.2 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).

410.6.3 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).

Policy 412 Rapid Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

412.2 POLICY

The Provo City Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 FIRST RESPONSE

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.4 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.

412.5 PLANNING

The Patrol Division Commander 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.

412.6 TRAINING

The Training Officer 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).

Policy 416 AIRPORT OPERATIONS

416.1 PURPOSE AND SCOPE

This policy describes airport operation areas and situations involving TSA assistance including responsibilities of personnel, making proper notification and documentation.

416.2 AIRPORT BADGE ACCESS

Green Badge: Allows access to all areas of the Airport including secure areas, sterile areas, and movement areas.

Orange Badge: Allows access to secure areas, sterile areas, and Non-movement areas.

White Badge M: Allows access to both movement and non-movement areas, but NOT into secure or sterile areas.

White Badge: Allows access to NON-MOVEMENT areas ONLY, but NOT into the movement, secure or sterile areas.

416.2.1 AIRPORT OPERATIONS AREA

Airport Operations Area (AOA): The AOA consists of the entire fenced area of the Provo Airport. Individuals with access to the Airport Operations Area (AOA) must have yearly training and a Security Threat Assessment (STA), to receive a White badge initially. Yearly updates will be done by mail or email. Once you have been issued a White badge, you will be required to always have it in your possession (as well as a valid picture ID) while in the AOA. The White Badge does not permit you to access the Movement Area, the Secure Area, or the Sterile Area of the AOA.

Access to the AOA: All gates, including people gates, will be controlled by a Card Reader System. Gates will be monitored by video surveillance 24 hours a day. A badged individual can escort up to 6 people into the AOA, but may not escort another vehicle without prior consent of the Airport Security Coordinator (ASC). All persons being escorted by a badged individual must remain with the badged

individual at all times. Upon entering a gate, the badge holder must pass through the gate and then wait until the gate closes behind them. Do not allow other vehicles or persons to "piggyback" or "tailgate" through the gate, even if that individual is known to you. You may be "challenged" for your credentials at any time by the ASC, Assistant ASC, Transportation Security Administration (TSA), or Law Enforcement. Not being in possession of valid ID and your badge could result in suspension, revocation, and/or prosecution.

416.2.2 SECURITY IDENTIFICATION DISPLAY AREA (SIDA)

Movement Area: The movement area boundary line is a solid 4-inch line and a dashed 4 inch line that runs along the eastern sides of taxiways C and A. A White Badge M, or Green Badge will be required to enter the Movement Area and the badge must be displayed on the outer most layer of clothing.

Secure Area: The Secure Area is strictly prohibited during commercial flight hours. Violating the Secure Area while a commercial aircraft is present will require rescreening of all passengers and must be reported to the Federal Aviation Administration (FAA) and TSA for further action. In addition, any unauthorized penetration of the Secure Area will require questioning of the violator by the Police Department. The Secure Area is under 24-hour surveillance.

Sterile Area: The sterile Area is the passenger screening area past the first checkpoint. The sterile area is where TSA performs passenger screening and the passenger holding area where ticketed and screened passengers await boarding. Only uniformed Provo Police officers, persons with green or orange badges, or those who are ticketed and have been properly cleared by TSA may access this area at any time.

416.2.3 AIRPORT SECURITY RESPONSIBILITIES

Officers assigned as Airport Security will arrive at the airport no later than one hour prior to scheduled departure.

- a. Officers will park their patrol vehicles in front of the TACAir Terminal in the area marked as "Police Parking Only".
- b. Notify dispatch that you are on duty at the airport and create a "Call for Service".
- c. Enter the TACAir Terminal and check in with the TSA supervisor.

- d. Your uniform and your clearance badge allow unlimited access to any area of the airport. Your clearance badge should be always visible.
- e. Be familiar with the facility and aircraft tarmac area.
- f. Your presence is mandated for the entire time until the aircraft takes off.
- g. Respond to assist TSA as required.
- h. The officer assigned the Airport Security detail should maintain a constant presence in the ticketing area, security checkpoint and the passenger boarding area. When the security checkpoint is closed by TSA then the officer should maintain a presence in the passenger boarding area and tarmac. Officers should be visible and transition through these areas frequently. The officer should ensure no passengers have contact with anyone that has not gone through the security checkpoint. If a passenger leaves the secure areas, either in the terminal or on the tarmac, rescreening will be required.
- i. If TSA requests your assistance, utilize the passenger screening room or the baggage area located in the security area to maintain discretion.
- j. If the need should arise for a passenger to be transported from the airport by police, a radio call will be made for a transport officer.
- k. Be mindful that you are the investigating and arresting officer in all airport incidents during this security detail. Be very thorough and document everything with accuracy. After wheels are up on the aircraft, you will be responsible for completing all police reports and other necessary paperwork.
- l. Once the aircraft has departed conduct a final security walk-thru.
- m. After the final security walk-thru, conduct a security check of the fence line on the east side of the airport.

416.2.4 OFFICER RESPONSE TO SCREENING REFUSALS

- 1. Provo Police will act in support of TSA as follows:
 - a. If the TSA request is related to an individual who has begun the required screening process and the individual has chosen to withdraw from screening, the responding officer will advise the individual that in accordance with Transportation Security regulations they cannot leave and are required to complete the screening process prior to entering the sterile area, boarding an aircraft, or

leaving the screening location. If necessary the officer will detain the individual who attempts to leave after being so advised.

b. CHECKPOINT SCREENING: The "screening process" begins when an individual places accessible property on the x-ray conveyor belt or hands such property to TSA personnel. At that point, screening of both the individual and his/her accessible property must be completed. GATE SCREENING: Passengers may be selected for additional screening at the boarding gate, after they have been cleared into the sterile area through the checkpoint. Once selected by TSA for gate screening, the passenger may not refuse and screening must be completed. Employees may also be subject of random checks conducted by TSA. Once selected by TSA for such screening, an individual may not refuse and screening must be completed. Continued refusal to complete the process will result in removal from secure areas and seizure of the Airport-issued ID badge, if applicable.

c. EXPLOSIVE TRACE DETECTION (ETD) checks on individual's hands and carry-on baggage for explosive residue may be conducted in the line areas prior to the checkpoint, at security checkpoints, at boarding gates and at entrances to the Security Identification Display Area (SIDA). When conducting such testing TSA will place signs prior to the screening location notifying individuals that they are subject to screening. Additionally, signs may be placed after the screening checkpoint indicating passenger may be subject to this check prior to boarding their flights. Once an individual has been approached by the ETD team and instructed to present his/her hands or belongings for the swab process, they may no longer walk away and their attempt to do so or their refusal to submit will result in LEO response. Responding officers should treat each case as a refusal and ensure the person does not leave until the proper completion of the screening process. Officers will not be involved in resolving any ETD alarm.

e. EMPLOYEES may also be subject to random checks conducted by TSA at entrances to the SIDA. Once selected by TSA for such screening, an individual may not refuse, and screening must be completed. Continued refusal to complete the process will result in removal from secure areas and seizure of the Airport-issued ID badge.

f. If after being advised of the requirement to complete the screening process, and the individual agrees, the Provo Police officer is to standby near the screening

location while the individual completes the screening process and is to inform dispatch upon completion of this assignment.

g. Detention for the purpose of completing security screening will be found to be reasonable as long as it is "not prolonged beyond the time reasonably required to rule out the presence of weapons or explosives." Officers should ensure they obtain identification and conduct a field interview card or report and check the individual for wants/warrants. Judge each case on its individual merit to decide the proper course of action to follow from that point. Officers should notify dispatch of their actions and have the call logged as a "Screening refusal."

h. If after advisement from the Provo Police officer, the passenger continues to decline to participate in further screening, the officer will again advise the passenger they are not free to leave in accordance with TSA regulations pending completion of the screening process and request that the duty sergeant respond.

The Provo officer is to accompany TSA as they escort the detained passenger to the private screening area.

The Provo officer will advise dispatch the passenger has been detained and request a Federal LEO representative (Federal Bureau of Investigation (FBI) and TSA Office of Law Enforcement/Federal Air Marshal Service) be notified. The Federal LEO will be asked if they will respond and if they wish the person to be detained for them.

At no time will the officer be involved in the screening process. If contraband or other evidence is found during the screening process which establishes reasonable suspicion or probable cause the individual has violated the law and the matter is now one for law enforcement.

If, based upon the officer's observations or experience, reasonable suspicion or probable cause exists to believe the person may be carrying a weapon or explosive, the officer may conduct a pat down search for officer safety. This is separate from and not to be in conjunction with, or in lieu of, any search or screening conducted by TSA personnel.

If Federal LEO's choose not to respond, or the US Attorney declines charges, Provo Police officers will obtain information required for a report and escort the person from the area. If the officer has observed a violation of existing local ordinances or state statutes, and a federal declination has been received, the Police Supervisor may authorize the officer to charge the passenger.

2. If unsure on the proper course of action, consult your supervisor.
3. In those instances where the officer is notified by the US Attorney that an arrestable offense has occurred, officers will detain the non-compliant passenger for the FBI.
4. Whenever a Federal LEO is contacted officers will ask if the Federal LEO is going to respond to the Provo Airport and verify that the responding Federal LEO orders the subjects to be detained.
5. In cases where there is a violation of existing local ordinances or state statutes, subjects may be detained or arrested consistent with existing policies and procedures once the federal screening process has been completed. In the event where an arrest is made, ensure that Command Staff and the Public Information Officer are notified.

416.2.5 AIRPORT EMERGENCY RESPONSE PROCEDURE

See Policy - AIRCRAFT ACCIDENTS

Policy 417 Aircraft Accidents

417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department 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 Management Plan and Hazardous Material Response policies.

417.1.1 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.

417.2 POLICY

It is the policy of the Provo City Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

417.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case.

The duties of the field officer at the scene of an aircraft accident include the following:

- a. Determine the nature and extent of the accident.
- b. Request additional personnel and other resources to respond as needed.
- c. Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.
- d. Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- e. Provide crowd control and other assistance until directed otherwise by a supervisor.
- f. Ensure the Medical Examiner's Office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage, or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for, and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this department may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An Airport Service Worker or the Airport Manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

PATROL RESPONSE

Police Response to an Emergency at the Provo City Airport.

Upon notification from the Provo City Airport of an emergency situation at or near the Airport, Dispatch will determine the severity of the emergency and then issue an Airport Rescue Fire Fighting (ARFF) ALERT to distinguish the proper Police response. The following 4 ALERTS will be given for a Patrol Response.

1. ALERT ONE - Indicates that an aircraft approaching the airport is in MINOR difficulty, e.g. feathered propellor, oil leak, or rough running engine. The emergency equipment and crews would initiate a standby response and await development of the emergency.

A minimum of 1 police officer will be dispatched to the Airport or to a location requested by the incident commander to assist with crowd control. The Patrol officer is to respond to the main gate area of the airport (Access into the Airport will be gained through the use of your City issued key/access card). Officers should be fully aware of wind direction and possible dangerous vapors from noxious chemicals/fuels before entering the airport area. Upon safe entry the patrol officer is to maintain crowd control on the cement area, not allowing non-emergency access to the flight area. The Fire Battalion Chief will be the Incident Commander.

2. ALERT TWO - Emergency response, IN-FLIGHT. This indicates that an aircraft is in major difficulty, e.g., smoke in the cabin, engine fire, faulty landing gear, no hydraulic pressure, or a medical emergency. This would mean emergency equipment and crews should proceed to a pre-determined location to await development of the emergency.

A minimum of 1 police officer will be dispatched to the Airport or to a location requested by the incident commander to assist with crowd control. The Patrol officer is to respond to the main gate area of the airport (Access into the Airport will be gained through the use of your City issued key/access card). Officers should be fully aware of wind direction and possible dangerous vapors from noxious chemicals/fuels before entering the airport area. Upon safe entry the patrol officer is to maintain crowd control on the cement area, not allowing non-emergency access to the flight area. The Fire Battalion Chief will be the Incident Commander.

3. ALERT THREE - Emergency response ACCIDENT. Indicating an aircraft is involved in an accident on or nearby the airport. Emergency equipment and crew should proceed immediately to the scene.

A minimum of 2 police officers will be dispatched to the Airport or to a location requested by the incident commander to assist with crowd control. Patrol officers are to respond to the main gate area of the airport (Access into the Airport will be gained through the use of your City issued key/access card). Officers should be fully aware of wind direction and possible dangerous vapors from noxious chemicals/fuels before entering the airport area. Upon safe entry both patrol officers are to maintain crowd control on the cement area, not allowing non-emergency access to the flight area. The Fire Battalion Chief will be the Incident Commander.

4. ALERT FOUR - Emergency response SEVERE ACCIDENT. Indicating an aircraft is involved in an accident on or nearby the airport. Emergency equipment and crew should proceed immediately to the scene.

A minimum of 4 Patrol officers will be dispatched to the Airport or to a location requested by the incident commander to assist with crowd control when an accident has occurred on or near the airport. Officer #1 is to respond to 3110 West and 550 South to eliminate all non-emergency access to the airport area. The Fire Battalion Chief will be the Incident Commander. Officer #2 is to respond to the North Dike access road to eliminate all non-emergency access to the airport area. All communications is to be conducted through an assigned OPS channel. The Fire Battalion Chief will be the Incident Commander. Officers #3 and #4 are to respond to the main gate area of the airport (Access into the Airport will be gained through the use of your City issued key/access card). Officers should be fully aware of wind direction and possible dangerous vapors from noxious chemicals/fuels before entering the airport area. Upon safe entry both patrol officers are to maintain crowd control on the cement area, not allowing non-emergency access to the flight area. All communication is to be conducted through an assigned OPS channel. The Fire Battalion Chief will be the Incident Commander.

417.2.2 NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

The NTSB has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an onsite investigation, at the discretion of the pilot or the owner.

417.2.3 THE DISPATCH CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed 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. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- a. Fire department.
- b. The affected airport tower.
- c. Closest military base if a military aircraft is involved.
- d. Ambulances or other assistance as required.

When an aircraft accident is reported to the Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the FAA Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

417.2.4 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for the following:

- a. Forward and maintain an approved copy of the accident report to the Utah Department of Transportation, Division of Aeronautics.

- b. Forward a copy of the report to the Patrol Division Commander and the manager of the affected airport.

417.3 DOCUMENTATION

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.

417.4 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.

Policy 420 Contacts and Temporary Detentions

420.1 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.

420.2 POLICY

The Provo City Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

420.2.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer 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 officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer'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 officers 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 officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot, and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer 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 an officer actually restrains a person's freedom of movement.

420.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer 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 officer's suspicion (Utah Code 77-7-15).

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Provo City Police Department to strengthen community involvement, community awareness, and problem identification.

420.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the [officer/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 officer.

420.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk (Utah Code 77-7-16). The purpose of this limited search is not to discover evidence of a crime, but to allow the officer 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 officer.
- 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 officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

420.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

420.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

420.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease, and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

420.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph

should be submitted as an evidence item in the related case, following standard evidence procedures.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

420.6 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, [officers/deputies] 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:

- a. Identify 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, [officers/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 [department/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.

Policy 423 Mobile Audio Video

423.1 PURPOSE AND SCOPE

The Provo City Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

423.1.1 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.

Video evidence technician - Personnel trained in the operational use of MAVs, duplicating methods 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.

423.2 POLICY

It is the policy of the Provo City Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

423.3 OFFICER RESPONSIBILITIES

Officers shall test the MAV system at the start and the end of each shift. If the system is malfunctioning, the officer shall notify their supervisor.

423.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

423.4.1 SUGGESTED 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. An officer may activate the system any time the officer 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. DUI investigations including field sobriety tests.
 10. Consensual encounters
 11. Crimes in progress
 12. Responding to an in-progress call
- b. All self-initiated activity in which an officer 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. Domestic violence calls
 2. Disturbance of peace calls

3. Offenses involving violence or weapons.
 - 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 officer believes that a recording of an incident would be appropriate.

423.4.2 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 an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

423.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

423.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. MAV systems needing repair will be reported to the fleet coordinator.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), the video can be played back in the patrol vehicle and/or the patrol vehicle will be parked at the station to allow the media to upload onto the secure server. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

423.5 REVIEW OF MAV RECORDINGS

All recording media recorded images and audio recordings are the property of the Department. 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 department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- a. For use when preparing reports or statements
- b. By a supervisor investigating a specific act of officer conduct or for quality assurance
- c. By a supervisor to assess officer performance
- d. To assess proper functioning of MAV systems
- e. By a department investigator, after approval of a supervisor, who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- f. By department personnel who request to review recordings
- g. By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- h. By the PIO for use w/media through proper process or with permission of the Chief of Police or the authorized designee
- i. To assess possible training value
- j. Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

423.6 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 officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

423.7 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 one year and disposed of in compliance with the established records retention schedule.

423.7.1 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.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

423.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Provo City Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

423.8 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- a. Ordering, issuing, retrieving, storing, erasing 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 secure 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. Maintaining a record of issued media.
- e. Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

Policy 424 Mobile Data Terminal Use

424.1 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 department members and the Dispatch Center.

424.2 POLICY

Provo City Police Department 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.

424.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

424.4 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 or Watch Commanders.

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 Department. 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.

424.4.1 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.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

424.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police 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:

All contacts or activity shall be documented at the time of the contact.

Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

424.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio.

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.

Policy 429 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 department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

429.2 POLICY

The Provo City Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department 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.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

429.3 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 officers.
 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- c. The individual may not present an undue safety risk to the officer, him/herself or others.
- d. 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).

429.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers 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, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in

a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

429.5 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.

The supervisor should review the situation with the officer 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 Department members, such as how and where to file a complaint.

429.6 SEIZING RECORDINGS AS EVIDENCE

Officers 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.
 1. Absent exigency or consent, a warrant should 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.
- 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 department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Policy 450 Portable Audio/Video Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, handheld or integrated into portable equipment (Utah Code 77-7a-102).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Provo City Police Department facility, 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.

450.2 POLICY

The Provo City Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Utah Code 77-7a-104; Utah Code 77-7a-105).

Police personnel who are assigned personal recorders must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration, and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

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 (Utah Code 77-7a-104)

When using a portable recorder, the assigned member shall record his/her name, PPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording (Utah Code 77-7a-104).

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation (Utah Code 77-7a-104). Appropriate disciplinary action shall be taken against any officer who is found to have intentionally failed to adhere to the recording or retention requirements contained in this policy, or to have intentionally interfered with a portable recorder's ability to accurately capture audio/video footage.

450.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder shall be activated in any of the following situations (Utah Code 77-7a-103; Utah Code 77-7a-104):

(4) An officer shall activate the body-worn camera prior to any law enforcement encounter, or as soon as reasonably possible.

(5) An officer shall record in an uninterrupted manner until after the conclusion of a law enforcement encounter, except as an interruption of a recording is allowed under this section.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

A member "may not activate a body-worn camera in a hospital, health care facility, human service program, or clinic of a health care provider, except during law enforcement encounter, and with notice under Section 77-71a-105." (Utah Code 77-71a-104(11b)). However, a portable recorder should be activated in the previous locations for the following exceptions:

1. During times when all parties being visibly or audibly recorded are in a private room with consent for such recording
2. While affecting an arrest
3. While controlling a person through response to resistance techniques; or
4. Any other circumstances that are extraordinary

Recordings made pursuant to an arrest or search of the residence or person(s) is not considered a consensual encounter for the purposes of this policy. The portable recorders should remain activated until the event is completed in order to ensure the integrity of the recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media (Utah Code 77-7a-102). However, the recorder should be activated in situations described above as soon as reasonably practicable (Utah Code 77-7a-104).

450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Utah law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Utah Code 77-23a-4).

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

450.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped (Utah Code 77-7a-104):

- a. During significant periods of inactivity such as report writing or other breaks from direct participation in the incident, including consultation with a supervisor or other officer.
- b. When speaking with a victim, witness, or person wishing to report or discuss criminal activity if both of the following apply:
 1. The subject of the recording requests deactivation.
 2. The member believes the value of the information outweighs the value of the potential recording.
- c. During a conversation with a victim of a sexual offense or domestic violence if:
 1. The member is conducting an evidence-based lethality assessment.
 2. The victim or the member believes that deactivating the body-worn camera recording will either:

- a. Encourage complete and accurate information sharing by the victim, or
 - b. Is necessary to protect the safety or identity of the victim.
3. The body-worn camera is reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete.

The member should record the request to deactivate the portable recorder. A member should document any instance where he/she should have activated his/her body-worn camera but failed to do so, and the reason for the failure (Utah Code 77-7a-104).

450.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity. Members may not alter or delete a recording captured on a portable recorder (Utah Code 77-7a-106).

Members are also prohibited from retaining recordings of activities or information obtained while on-duty whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department (Utah Code 77-7a-106).

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment, or ridicule.

450.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- a. The recording contains evidence relevant to potential criminal, civil or administrative matters.
- b. A complainant, victim or witness has requested non-disclosure.
- c. A complainant, victim or witness has not requested non-disclosure, but the disclosure of the recording may endanger the person.
- d. Disclosure may be an unreasonable violation of someone's privacy.
- e. Medical or mental health information is contained.
- f. Disclosure may compromise an under-cover officer or confidential informant.
- g. Recorded content contains sound or images from a residence (Utah Code 63G-2-302).
- h. Recorded content contains sound or images from a hospital, health care facility, human service program or the clinic of a health care provider (Utah Code 63G-2-305).

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

All department digital data will be downloaded as soon as feasible and will be cataloged and stored in a secure database with access limited to appropriate members.

450.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- a. Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- b. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- c. By media personnel with permission of the Chief of Police or the authorized designee.
- d. In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Civilians shall not be allowed to review the recordings at the scene.

450.9 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for establishing procedures for (Utah Code 77-7a-102):

- a. The security, storage and maintenance of data and recordings.
- b. Accessing data and recordings.
- c. Logging or auditing access.
- d. Transferring, downloading, tagging, or marking events.

450.10 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule and as required by any applicable federal, state, and local law (Utah Code 77-7a-107).

Data gathered by the portable recorder shall be retained and stored by this department for a minimum of three years if a longer retention period is voluntarily requested by:

1. Officer, if the video footage is being retained solely and exclusively for department training purposes;
2. Any member of the public who is a subject of the video footage;
- 3 Any parent or legal guardian of a minor who is the subject of the video footage;
or
4. A deceased person's next of kin or legally authorized designee

Any member of the public, parent or legal guardian of a minor, or a deceased subject's next of kin or legally authorized designee, upon request of GRAMA, who is subject of video footage, shall be permitted to review that specific video footage in order to make a determination as to whether they will voluntarily request it to be subject to a three year retention period.

450.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

450.11 PUBLIC ACCESS

The Records Supervisor should ensure that this policy is available to the public in written format as well as published to the department website (Utah Code 77-7a-105). Pursuant to Utah Government Records Access Act and Provo City Code 3.13.020, it is the goal of this policy to support and promote openness in government by releasing public video recordings to the public upon request. This policy must also ensure that the privacy of victims, witnesses, and suspects is maintained whenever feasible. Video may be redacted dependent upon controlled, protected or private information contained therein.

Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

450.12 OTHER PHOTO, ELECTRONIC AND RECORDING DEVICES

Department members shall not use a personal electronic recording or imaging device while performing police duties except in rare events to record evidence when departmental issued equipment is not available.

All photographs containing any individually identifiable patient information are covered by HIPAA privacy laws and must be protected in the same manner as patient care reports and documentation.

Any on-scene images/recordings taken by any officer in the course and scope of their duties may not be used, printed, copied, scanned, e-mailed, posted, shared, reproduced or distributed in any manner, unless for official law enforcement purposes. This prohibition includes the posting of any department photographs on personal websites including but not limited to, Facebook, MySpace, YouTube, other public safety agency websites, or e-mailing to friends, relatives, or colleagues without prior approval of the Chief of Police.

450.13 AUDITING

Portable recorder audio/video will be audited by a designated supervisor on a periodic basis.

Documented audits should be completed on the most recently available devices and by selecting downloads at random. These audits will focus on the following areas such as customer service, training, demeanor, appropriate action taken, officer's articulation for the microphone, officer safety issues, and any other issue that could result in generating a citizen complaint, a hindrance to prosecution or liability for the officer of this department.

The designated auditing supervisor shall keep a log documenting findings during MVR device auditing.

450.14 DELETION OF UNINTENTIONAL RECORDING

In the event of an unintentional activation of the portable recorder system during a non-enforcement or non-investigative activity, including but not limited to, restroom, meal break, or other areas where a reasonable expectation of privacy exists, officers may request the recording to be deleted. A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the Chief of Police or designee. If approved, the actual deletion requires two-party authorization. One of those parties will be the Chief of Police or designee and the other party will be an Evidence Section supervisor.

Policy 431 Online Submission of Reports

431.1 PURPOSE

The Provo Police Department will accept identified online reports. The online police reporting system enables citizens to file minor incident reports quickly and easily or report suspicious activities over the internet without having to wait for a police officer to be dispatched. At no time will this system be utilized when a citizen requests the presence of a police officer, where there is evidence that could lead to the identity of the suspect, or a crime is in progress.

431.2 SECTION TITLE

The online reporting system comes under the command of the Patrol Division Commander (Captain). The Patrol Captain will assign appropriate personnel as needed to operate the system, which will internally be password protected. The personnel assigned to administer the system will have the authority and are responsible for the integrity, improvement and monitoring of the system. Those assigned will elicit feedback from other personnel, town departments and the community that will advance the online reporting system to further the mission of the Provo Police Department.

431.3 PROCEDURE

The Provo Police Department will respond to in-progress incidents and all crimes with evidence or information, which may lead to the identity of a suspect and his/her apprehension, or if the incident just occurred and there is a likelihood the suspect may still be in the area.

A. ACCESS: The Online police reporting system is accessed through the Internet and allows the user to submit a report and print a copy of the report. When referring this service to a citizen, ensure they have internet access and direct them to The Provo Police Department website at <https://www.provo.org/city-services/new-provo-police>. On the main page of the department website is a link labeled "Online Incident Reporting". The link directs the user to a menu of available reports and instructions on how to file the report.

B. ACCEPTED SUBMISSIONS: Reports currently allowed by the system include:

1. Harassing/Annoying telephone call
2. Lost property
3. Theft (not breaking and entering)
4. Vandalism (destruction of property)
5. Non-injury Hit and Run Motor Vehicle Crashes under \$1500 in damage

6. Anonymous Witness Tips
7. Homeland Security tips
8. Traffic Complaints
9. Identity Theft

C. CITIZEN RESPONSIBILITIES: To file a report online, citizens must provide the same identifying information (name, address, telephone #, date of birth etc.) as if they were filing a report with an officer. In addition, they must have an email address so their report can be emailed to them. This is required in all incidents except the Witness Tips and Homeland Security Tips, where a citizen can choose to remain anonymous.

D. REFERRING CITIZEN TO ONLINE REPORTING

1. Communication Personnel Responsibility: When Communications personnel receive a call from a citizen wishing to report an incident, the Communications Dispatcher will determine if the call falls within the scope of an online report. If so, Communications personnel shall:

- a. Determine if the citizen has Internet access.
- b. Explain the online reporting process and the requirements of the party filing the report. Advise of the review process, completed by a Police Officer, and the potential for further investigation should suspects leads be developed. Ensure that citizens are aware that there is no cost associated with the process.
- c. Advise the caller of The Provo Police Department website address: <https://www.provo.org/city-services/new-provo-police>. Online Incident Reporting.
- d. If the citizen interjects and wishes to file a report with an officer, or if a citizen calls back and states they are having difficulty filing the report online, the incident will be documented and reported by current standard operating procedures.

2. Responding Officers Responsibilities: Unless strict criteria are met, officers who are dispatched to a call, or, who during routine patrol or investigation in the community are engaged by a citizen who want to report an incident, will not refer citizens to the online reporting system. Acceptable criteria for officer referral are:

- a. If the dispatched officer's response to a call is delayed due to present high call volume and upon arrival the citizen states that they no longer have time to meet with the officer and will have to file the report later, the responding officer can advise the citizen of the online reporting system as one of the options for filing

the report. At no time will this system be utilized if the citizen requests an officer's presence.

b. If the citizen who has engaged the officer in the public does not have time to give a complete report to the officer at that time and requests to file the report later, the officer can advise the citizen of the online reporting system as one of the options for filing the report. At no time will this system be utilized if the citizen requests an officer's presence.

E. REVIEW OF ONLINE REPORTS

1. Reports will be reviewed by the Records supervisor, or their designee. Each shift that a reviewer is on-duty they are required to log-onto the system for submissions.

2. The reviewing employee will review the reports and import approved reports in the Online Reporting System queue in a timely manner. If the citizen report is misclassified, such as lost property, instead of theft, the reviewing employee will classify the report according to the elements of the offense/incident described by the citizen author.

3. If the reviewing employee determines the report was misclassified, it may be modified to fit the most appropriate section. The reviewing employee shall ensure that reports contain adequate information, recognizing that the reports may be forwarded to outside agencies or used for future prosecution.

4. A reviewing employee will reject a report if the incident does not fall within the scope of the online reporting system. Reports will also be rejected if they did not occur within our jurisdiction. Incidents occurring on the BYU campus will be rejected and the reporting party referred to BYU PD. If an employee rejects a report, the reason for rejection will be appropriately and professionally noted in the rejection box, which is sent via e-mail to the citizen and a duplicate to police report e-mailbox.

5. The reviewing employee may issue a follow-up request to the reporting citizen in lieu of approving or rejecting an online report. A follow-up request shall only be issued after first attempting to contact the citizen via telephone, email or in person to clarify the issue in question.

6. The reviewing employee shall request a Patrol response when, in the

reasonable judgment of the employee, circumstances indicate an investigation is warranted. In this circumstance, the reviewing employee will approve the report and the citizen will be either sent an email or called, advising them that the case will be followed up on.

F. FOLLOW-UP OF ONLINE REPORTS: The majority of online incident reports will not require follow-up, as that is the premise behind the system that reported incidents are those where there is no suspect information. However, in those circumstances where follow-up of either incidents or complaints, the following will apply:

1. INCIDENTS: Cases requiring follow-up will be forwarded from the reviewing officer to the patrol sergeant via case management, who will in-turn assign an officer to investigate. To allow this assigned officer proper access to the SPILLMAN report the patrol sergeant will need to do the following:

a. enter the assigned officer as the “reporting officer” on the front of the SPILLMAN report to both allow the assigned officer to update the SPILLMAN report and to document this assignment.

b. unapproved the report to allow the assigned officer to update the report.

The assigned officer will do the following:

a. enter a narrative documenting their investigation.

b. make any necessary modifications to the incident report.

c. forward the completed investigation to their patrol sergeant for review and approval.

2. COMPLAINTS: Complaints, such as traffic requests, extra patrols, barking dogs will be routed to the person assigned/documentation per existing standard operating procedure.

3 TIPS: Tips, such as Homeland Security Tips and Anonymous Witness Tips, will be the responsibility of the Officer in Charge of the Detective Bureau.

a. Tips collected will be stored in the detective bureau and maintained separately from other agency records. Access to these records will be limited to the Chief of Police, Captains, and Detective Bureau personnel.

b. The utility of the Tips shall be determined on an incident-by-incident basis. Tips with no evidentiary value, incorrect information, out of date information, information that is not of criminal conduct or information that does not relate to activities that could be a threat to the community will be purged in accordance with current Department policy and any applicable Utah Laws.

c. The Officer in Charge of the Detective Bureau will see that Tips are screened, documented, and investigated as outlined in this policy but also in accordance with existing departmental procedures.

d. Dissemination to other agencies, law enforcement or otherwise, will be documented.

e. Screened crime tips will be retained and filed in a manner prescribed by the Officer in Charge of the Detective Bureau. This file will be maintained in the detective bureau and will be reviewed on a quarterly basis. Information that is out of date, has been found to be untrue, or has no investigatory value will be purged.

f. All Homeland Security Tips that are received will be documented through a SPILLMAN report. A copy of the report will be submitted to the Officer in Charge of the Detective Bureau who will review it for criminal investigation. All credible information will be forwarded to the Fusion Center of the Utah State Police.

G. ADMINISTRATIVE REVIEW PROCEDURES

The Patrol Captain will cause the following reviews to be complete: On or about July 1st of each year the Patrol Captain will see that a documented review of the online reporting system is completed. This review will access the system, community use, police personnel use, modifications, problems and improvements. Quarterly there will be an audit done which will review report rejections and submissions to identify concerns that need to be addressed.

Policy 432 Crisis Intervention Incidents

432.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to

make difficult judgments about a person's mental state and intent to effectively and legally interact with the individual.

432.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

432.2 POLICY

The Provo City Police Department 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 Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

432.3 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.

432.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Special Operations Captain will collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

432.5 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 officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers 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.

An officer 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 officers 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. Consider 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 officer.
- 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.

432.6 DE-ESCALATION

Officers 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:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

432.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer 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 police response.
- c. Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

432.8 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.
- e. Evaluate whether a critical incident stress management debriefing for involved members is warranted.

432.9 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 department reporting procedures or other official mental health or medical proceedings.

432.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

432.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn 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, an officer should be promptly summoned to provide assistance.

432.11 EVALUATION

The Special Operations Captain should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

432.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Policy 433 First Amendment Assemblies

433.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

433.2 POLICY

The Provo City Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably 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.

433.3 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, officers 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 these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers 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.

Officers 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 an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

433.3.1 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 department 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.

433.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event

- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted.
- 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.

433.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

433.5.1 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.
- 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 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).

433.5.2 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 City 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.
- t. Parameters for the use of body-worn cameras and other portable recording devices.

433.5.3 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).

433.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly and should order the dispersal of the participants. The announcement should 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.

433.7 USE OF FORCE

Use of force is governed by current department 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 Incident Commander shall evaluate the type of resistance and adopt a reasonable response to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves, or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

433.8 ARRESTS

The Provo City Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

433.9 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).

433.10 DEMOBILIZATION

When appropriate, the Incident Commander 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.

433.11 POST EVENT

The Incident Commander should 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. 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.

433.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, 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.

433.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Policy 500 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/problem-based assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Provo City Police Department. Information provided by the Utah Department of Public Safety's Highway Safety Office is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

Location

Time

Day

Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident-causing violations during high-accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high-accident locations.

Other factors to be considered for deployment are citizen requests, 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 department does not establish ticket quotas, and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. 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 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

Explanation of the violation or charge.

Court appearance procedure including the optional or mandatory appearance by the motorist.

Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 PHYSICAL ARREST

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

Vehicular manslaughter.

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

Felony or misdemeanor hit-and-run.

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

500.4 SUSPENDED OR REVOKED DRIVER'S LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Utah Code 53-3-227.

500.5 HIGH-VISIBILITY VESTS

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

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

500.5.1 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. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers 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 officer might benefit from being readily identified as a member of law enforcement.

500.6 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE

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

Date, time, and location of the violation.

Vehicle license plate number and state.

Vehicle description.

Description of the vehicle operator.

Description of the incident.

Contact information of the school crossing guard.

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

Reports should be submitted to the School Resource Officer Sergeant, no more than two business days after the alleged violation occurred.

500.6.1 NOTIFICATION OF VIOLATION TO VIOLATOR/VEHICLE OWNER

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

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

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

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

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

500.7 POLICE ESCORTS

The Chief of Police or designee may authorize a police escort of vehicles for any reason, including but not limited to funerals, dignitary motorcades, and parades. No such escort shall occur without the approval of the Chief of Police or designee. (See SOP No. 010)

500.8 HAZARDOUS ROADWAY CONDITIONS

Officers encountering any hazardous roadway condition should:

If the hazardous roadway condition involves any hazardous materials or fire hazard as defined in the Hazardous Material Response policy, immediately notify dispatch, appropriate supervisors, and the fire department.

If it is safe to do so, initiate proper traffic control procedures as needed to protect motorists on the roadway and to allow for correction of the hazardous condition.

If it is safe and within the officer's training and ability to do so, correct the hazardous roadway condition.

If it would be unsafe for the officer to correct the roadway condition, the officer should contact the appropriate entity with the expertise or resources needed to correct the hazardous roadway condition.

Policy 501 Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Provo City Police Department prepares traffic collision reports in compliance with Utah Code, Title 41, Chapter 6a, Part 4 and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 TRAFFIC COLLISION REPORTING

TYPES OF COLLISIONS REQUIRING AN INVESTIGATION AND REPORT

Collisions that meet the requirements in Utah Code 41-6a-401.

Any collision involving city-owned vehicles or other city property, or private vehicles being driven on city business whether on private property or off.

Any collision where a party to the collision or an owner of an involved vehicle requests a police investigation, whether on private property or off.

All traffic collision reports will be submitted to the shift supervisor at the conclusion of the investigating officer's tour of duty.

Any reports needing follow-up investigation will be returned to the officer for additional investigation.

501.2.1 REPORTS

1. "Investigators Traffic Collision Report" (D.I.- 9 rev.10-93)

Will be completed on all collisions involving death, injury, or apparent damage in excess of \$2,500.

City property involved.

DUI.

Hit-and-run (except when damage is under \$2,500, no injuries were sustained and no evidence as to suspect).

Reckless driving.

If in the judgment of the investigating officer or his supervisors a state form is advisable.

2. Information to be included in the Traffic Accident Report

a. Diagrams are required on all accidents reportable on the DI-9. These diagrams should show pertinent details but may be somewhat rudimentary. If a diagram cannot be drawn, indicate reasons why in the narrative.

b. The point of impact must be recorded and described in narrative form.

c. All skid marks related to the accident are to be measured and recorded.

d. If the accident involves a question relating to semaphores, include the phase timing in the report.

e. Describe the nature of injuries sustained or complained by the involved parties.

f. Photographs are required in the following collisions.

Fatalities

Severe injury

Severe damage

Damage to or caused by city property.

When in the officer's or supervisor's judgment photos will be of value

3. Diagrams drawn on the "Field Diagram form" are required as follows:

Fatalities

Severe injury

Severe damage

4. The investigating officer may, on his/her own, initiate or under the direction of his/her supervisor, draw the more detailed diagram whenever it appears that to do so would materially aid in understanding the circumstances surrounding the traffic accident. Such specific incidents may be:

Accidents where prosecution or civil trials appear likely.

Accidents involving view obstructions outside the vehicle.

"Freak" or unexplainable traffic accidents.

Diagrams drawn on the "Field Diagram form" must be drawn in such a manner and supported with field notes, so that a scale diagram can be prepared later if deemed necessary. When field notes are taken during an investigation, the report is completed from these notes and will be attached to the report.

501.2.2 NON-REPORTABLE COLLISION FORM

To be completed by the reporting officer when:

The collision in question involves no deaths, injury nor damage in excess of \$2,500.

Hit-and-run collisions where no evidence exists as to a suspect, damage is less than \$2,500, and no injuries have been sustained.

All non-reportable collision forms will be completed at the end of the investigating officer's tour of duty.

501.3 REPORTING SITUATIONS

501.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

A. Any employee or agent driving a city-owned or controlled police vehicle or who drives a privately-owned vehicle in the performance of an official duty, will immediately notify the watch commander upon being involved in collision.

B. The Watch Commander will go directly to the scene of the collision and will take charge of the incident. His/her primary responsibility will be to see that department policies are adhered to and that department interests are protected.

C. An outside law enforcement agency will be asked to conduct an investigation of the accident, unless it is in another jurisdiction wherein the agency in that jurisdiction will conduct the investigation.

D. The watch commander will assign an officer to conduct a parallel departmental investigation and will personally supervise such an investigation. Particular attention will be given to determine if the involved employee was complying with departmental policies. However, the parallel investigation shall not be assigned to the officer involved in the accident.

E. Any employee involved in an on-the-job accident/injury will be required to submit to a drug and alcohol test as a protection for a future allegation of intoxication, when the following occurs:

1. A fatality
2. Any vehicular accident on employer's time or in employer's vehicle (or City rental vehicle) if the employee is cited for a moving traffic violation as a result of the accident
3. Damage to any vehicle, equipment or property exceeding \$2,500.00.
4. Any collision, whether the employee is at fault or not, which physically involves the public.
5. Reasonable suspicion exists.

F. While waiting for post-accident drug or alcohol test results, the employee may be removed from his/her duties until the alcohol test is reported as less than 0.02 and the City verifies that the employee tested negative for drugs.

G. The watch commander or in his/her absence, the patrol field supervisor, will notify the chief of police when Provo Police vehicles are involved in a traffic collision.

H. Photographs of the collision scene and vehicle damage shall be taken by the traffic collision investigator or any supervisor.

POLICE INVOLVEMENT IN NON-CONTACT TRAFFIC ACCIDENTS

A. General - All traffic collisions which in any way can be said to be even remotely related to actions of the police (pursuits, traffic control, roadblocks, etc.)

although no police personnel or equipment is directly struck or involved are to be investigated thoroughly.

B. Responsibility of Reporting Officer - Officers becoming aware of such accidents as described above will notify the watch commander who will go directly to the scene, or in his/her absence, the sergeant or supervisor in charge of the shift will assume the watch commander's responsibility.

C. Responsibility of Watch Commander - The watch commander will be responsible to see that a thorough investigation is conducted. The investigation should include measurements, photographs, diagrams, etc. The purpose of the investigation is to provide adequate data through which it may be determined whether liability exists on the part of the department or its officers. The watch commander needs to be sensitive to the fact that most investigations are conducted for the purpose of establishing what happened.

1. Investigations as referred to herein are essentially conducted to show not only what happened, but also to show clearly what did not happen, i.e., photographs might be taken to show that a vehicle being pursued by police units struck a curb or a tree; however, photographs should also be taken of police cars involved in the incident, showing that there was no contact between the police vehicle and the suspect vehicle.

2. The watch commander shall have the authority to request an outside law enforcement agency conduct the investigations if in his/her judgment it would be advisable to do so. However, parallel departmental investigation will also be conducted.

3. If the incident occurs outside the Provo City limits, the law enforcement agency having jurisdiction in that area will be requested to conduct the investigation. However, again a parallel investigation will be conducted.

4. No officer is to participate in the investigation of any traffic accident in which he/she is involved.

D. Reports - When a traffic collision is investigated and reported by another agency, the parallel departmental investigation will be reported in a "Crime Report" with a Provo Police department "Field Diagram".

The watch commander shall request a copy of the investigative report when the incident is investigated by an outside department.

501.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of the Department, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the Provo City Police Department resulting in a serious injury or fatality, the Watch Commander may request an outside law enforcement agency to conduct the investigation.

The term serious injury is defined as any injury that may result in a fatality.

501.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The on-duty Watch Commander may request assistance from an outside law enforcement agency for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY AND ON ROADWAYS OR HIGHWAYS

In compliance with Utah Code 41-6a-402, traffic collision reports shall be taken for traffic collisions occurring on private property when the accident results in injury to or death of any person, or total property damage to the apparent extent of \$2,500 or more. An incident report may be taken at the discretion of any supervisor.

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

When there is death or injury to any person involved in the collision.

When there is an identifiable violation of Utah Code.

When total property damage to the apparent extent of \$2,500 or more has occurred.

When a report is requested by any involved driver.

Officers responding to investigate traffic collisions should handle injuries, fire hazards, and hazardous materials as directed in the Hazardous Materials Response policy.

501.3.5 TRAFFIC COLLISIONS INVOLVING SERIOUS INJURY OR DEATH

In compliance with Utah Code 41-6a-202, an officer who issues a citation to a person for a moving traffic violation which results in a collision causing serious bodily injury or death shall note that fact on the citation.

501.4 NOTIFICATION OF TRAFFIC INVESTIGATION TEAM

It is recognized that occasionally traffic accidents occur which are of such magnitude or complexity that its investigation may require expertise beyond that possessed by the officer(s) who is/are assigned.

The watch commander or field supervisor may, in such instances, request assistance from any or all the members of the collision investigation team, and may either have the entire investigation conducted by it or may have members of the team assist the officer originally assigned to the investigation.

The collision investigation team supervisor should be contacted prior to team members being called out.

501.4.1 SUPERVISOR NOTIFICATION

- A. Investigating officer will notify his/her watch commander in cases where death or severe injury results.
- B. Supervisor will see that the chief of police is notified in all fatalities, or in other cases where the supervisor feels it is advisable.

501.5 PRESS RELATIONS

Press photographers will be allowed at the scene of collisions so long as they do not disturb evidence or in any other way interfere with the investigation. Ways in which the photographer may interfere should be pointed out to him/her and he/she should be courteously instructed as to where he/she may take pictures without interfering.

501.6 CITATIONS

It is the posture of the Provo Police Department that traffic citations arising from the investigation of a traffic accident be issued only when there is a clear preponderance of evidence to support the conclusion that a party(ies) to the accident committed a violation.

When any doubt exists about the efficacy of citing, the officer will defer the decision to cite until consultation can take place to review the evidence with a supervisor or the city prosecutor.

501.7 HANDLING INJURIES AT ACCIDENT SCENES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator) 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 a 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:

The location where EMS is needed.

The nature of the incident.

Any known scene hazards.

Information on the person in need of EMS, such as:

Signs and symptoms as observed by the member.

Changes in apparent condition.

Number of patients, sex, and age, if known.

Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.

Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel on whether to transport the person for treatment.

Policy 502 IMPOUND AND TOW POLICY

502.1 PURPOSE AND SCOPE

The purpose of this directive is to establish a uniform tow and impound policy.

502.2 DEFINITIONS

Impound

For purposes of this directive, to impound a vehicle means to seize and hold it in the custody of the law. When a vehicle is impounded, it is seized for the purpose of being held under authority of law. The purposes for such a seizure are generally to hold a vehicle for evidence or until certain matters relative to registration have been resolved.

Tow

For purposes of this directive, to tow a vehicle means to merely have it removed from a location without any intention of holding the vehicle. When a vehicle is towed, it may be released to the owner, or someone authorized by him/her e.g., there is no intent to hold the vehicle as in the instance of an "impound."

502.3 THE LAW

There are both state statutes, as well as city ordinances, that authorize peace officers, in specific instances, to tow or impound vehicles as follows:

Seizure and impoundment of vehicles by peace officers

Section 41-6a-527 of the Utah State Code states; (1) If a peace officer arrests, cites, or refers for administrative action the operator of a vehicle for violating Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 41-6a-606, 53-3-231, 53-3-232, or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1), the peace officer shall seize and impound the vehicle in accordance with Section 41-6a-1406

However, subsection (2) of 41-6a-527 provides that "...(2) If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the peace officer may release the vehicle to that registered owner, but only if: (a) the registered owner: (i) requests to remove the vehicle from the scene; and (ii) presents to the peace officer sufficient identification to prove ownership of the vehicle or motorboat; (b) the registered owner identifies a driver with a valid operator's license who: (i) complies with all restrictions of his operator's license; and (ii) would not, in the judgment of the officer, be in violation of Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 53-3-231, 53-3-232 and if the vehicle itself is legally operable."

Traffic Hazards or Obstructions

Section 9.31.050 of the City Ordinance, as well as 41-6a-1405 of the Utah Code grants a peace officer the authority to remove vehicles that are traffic hazards or which obstruct traffic.

Stolen Vehicles

Section 41-1a-1101 of the Utah Code provides peace officers with the authorization to seize vehicles where the officer has probable cause to believe that the vehicle is stolen.

Abandoned Vehicles

Section 9.31.050 provides Provo Police officers with the authority to tow vehicles that have not been moved from a public highway or street for 72 consecutive hours after every reasonable effort has been made to notify the owner and/or operator.

Section 41-6a-1408 provides for the removal of vehicles that have been abandoned if left unattended on a public highway or street in excess of 48 hours or on private property for a period in excess of seven days without the consent of the owner or person in lawful control of the property.

Improper Registration

Section 41-1a-1101 of the Utah Code provides peace officers with authority for impounding vehicles not appropriately registered.

Irregular Identification Number

Section 41-1a-1101 of the Utah Code provides peace officers with authority to impound vehicles that have a defaced, altered, or obliterated identification number.

Uninsured Vehicle

Section 41-1a-1101 of the Utah Code provides peace officers with the authority to impound vehicles " without owner's or operator's security (insurance) in effect for the vehicle as required in 41-12a-301."

"Drug" Vehicles

Section 58-37-13(2)(e) all conveyances including aircraft, vehicles, or vessels used or intended to be used to facilitate the distribution or possession with intent to distribute the property described in Subsections (2)(a) and (2)(b); ..." controlled substances may be seized.

Snow Emergencies

Section 9.31.090(9) of the Provo City Code provides that under certain circumstances and a resulting mayoral declaration, vehicles parked on snow routes may be removed.

Parade Routes

Section 9.14.220 (6) provides that vehicles parked on a "public parade" route after 8:00 p.m. of the day prior to the parade and until the conclusion of the parade, may be towed.

502.4 POLICY

DUI/Interlock Device/Alcohol Restricted/Speed Contest/Controlled Substance/Evading or Fleeing

A Provo Police Officer who arrests, cites, or refers for administrative action an operator of a vehicle for violating Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 41-6a-606, 53-3-231, 53-3-232, shall impound the vehicle in accordance with Section 41-6a-4106 except as provided under Subsection (2)

Expired Registration

A driver operating a motor vehicle having expired registration, will normally be cited. However, the vehicle may be impounded if the investigating officer has personal knowledge or can otherwise determine that the driver and/or owner have previously been cited for having expired registration. In those instances where the

vehicle registration has been expired more than six months or in instances where the vehicle displays license plates belonging to another vehicle, the vehicle may be impounded on the approval of a supervisor.

Abandoned Vehicle

Provo Police officers have the authority to tow vehicles that have not been moved from a public highway or street in excess of 72 consecutive hours. Officers are to make every reasonable effort to notify the owner and/or operator prior to towing. Although the practice of "marking" vehicles for 72 hours is to be encouraged, there nevertheless may be occasions where a witness or through some other means, it can be determined that a vehicle has not been moved for 72 hours. In such cases, it is unnecessary to "mark" the vehicle for an additional 72 hours. In such instances, the initiating officer will describe in the report the basis for believing the vehicle has not been moved for 72 hours. When the vehicle is marked, it should be with a marker on a window with the date the vehicle will be towed.

Private Property

Evidence: Recovered stolen vehicles or vehicles to be seized as evidence, found on private property may be seized under the same rules pertaining to the seizure of evidence in general.

Other than evidence: Officers may be dispatched to assist a property owner in removing a vehicle abandoned on private property. In such cases, the officer will verify the complainant is the property owner or has lawful control over the property where the vehicle is to be towed from. The officer will also verify the vehicle has been left unattended in excess of 7 days. Prior to towing, the officer will check the vehicle NCIC by VIN and license plate. Officers are to make every reasonable effort to notify the owner and/or operator prior to towing.

No Registration

A vehicle being driven without being registered at all will be impounded.

Defaced, Obliterated or Altered Identification Number

Vehicles bearing a defaced, obliterated or altered vehicle identification number will be impounded.

Stolen Vehicles

Recovered stolen vehicles may be impounded if the vehicle is needed for evidence or in such instances where it will be necessary to process the vehicle for evidence. In the event that there is no need to have the vehicle held in police custody, it may be turned over to the owner if he or she is available to take custody of the vehicle.

Provo Police officers may impound vehicles that are without owner's or operator's security (insurance) in effect for the vehicle as required in 41-12a-301 "Drug" Vehicles

Vehicles used for the purposes described in section 58-37-13 of the Utah Code are to be towed to a place of safe keeping, as determined by the arresting officer until the appropriate filings can be made with the county attorney's office for disposition of the vehicle.

Snow Emergencies

When a snow emergency exists, vehicles parked on designated snow routes may be impounded and not released until the cost of the removal and storage has been paid. Communications Center will be notified of the location to where the vehicle has been towed, so as to facilitate the recovery of the vehicle by the driver and/or owner.

Removal of Vehicles From Parade Route

Vehicles that are parked along parade routes in violation of City Ordinance are to be removed to a place as close as possible to the location where the vehicle was originally parked. Officers initiating such removals will notify the communications Center of the whereabouts of the vehicle, so as to facilitate the recovery of the vehicle by its driver and/or owner.

Hazards

Vehicles that constitute a hazard or which impede the normal flow of traffic may be towed.

Impound Lots

Vehicles that are being impounded for violations relating to improper registration, no registration or defaced, obliterated, or altered serial numbers, as well as vehicles being impounded in connection with DUI arrests and for being abandoned, are to be taken to a State impound lot. Vehicles to be impounded as evidence are to be taken to the City impound lot or to some other place of safety, pending notification

of owner or subsequent criminalistics procedures. Vehicles being towed because of being a hazard or for blocking the normal flow of traffic may be towed to the "nearest garage" (41-6a-1405(3)).

Tow Truck Operators

Tow truck operators may not be placed on the Provo City tow truck list without meeting the standards established under 72-9-601, 602, and 603. To be eligible to be on the Towing Rotation Lists, towing companies must fill out the Provo Police Towing Rotation Application and Agreement and must agree to comply with the rules and regulations as set forth in the Towing Rotation Agreement. Towing companies on the Towing Rotation List(s) must also follow all federal and state laws and regulations pertaining to towing companies.

Moreover, the tow truck operator must have an impound lot located within the corporate limits of Provo City. Officers needing the services of a tow truck service will obtain such services by notifying Provo Police Dispatcher Center. Except in those instances where the owner and/or driver of a vehicle asks for a specific tow truck service, the officer will simply ask for the next "non-preference" tow truck service.

Authorization to Drive Vehicles to be Impounded Provo Police officers who intend to take a vehicle into police custody, such as in the case of a stolen vehicle, may drive the vehicle to the City impound lot, rather than have it towed, thereby saving the cost of the tow truck fee.

Incapacitated Driver A vehicle may be towed when the owner and/or driver is dead, unconscious, or for some other reason is incapacitated. In such an instance the vehicle is simply being towed for safe keeping on behalf of the owner/driver.

Tow Fees

As a general policy, the Police Department will pay the tow truck fee for those vehicles that are impounded for evidence only. All other fees that arise from impounding and/or storage will be paid by the owner and/or driver of the vehicle.

In some unusual instances it may be that the Department will pay tow or storage fees. In such cases, the authorization to pay will be determined by the Support Services Division commander.

Notifications

Records personnel will forward the appropriate paperwork to the Division of Motor Vehicles in all cases where a vehicle has been impounded in connection with a DUI arrest, or in the instance of all other state impounds.

An officer initiating a tow will always notify the dispatcher who will include the vehicle in the towed vehicle log in the Spillman system.

Inventory of Impounded Vehicles

All vehicles that are to be impounded and stored in a Police Department lot or other place of safe keeping will be inventoried before the vehicle is removed from the scene. In cases where the vehicle cannot be inventoried at the scene, the vehicle will be inventoried as soon as practical after removal. All personal property not attached to the vehicle will be noted and all containers will be opened with the property contained therein, carefully catalogued. At no time will an inventory be used as a procedure to circumvent the necessity of obtaining a valid consent to search or a search warrant.

Reports

State Impound: Officers impounding a vehicle as a state impound will complete the State Tax Commission vehicle impound report, as well as an incident report.

City Impound: An officer impounding a vehicle as a city impound will complete a property report and a crime report.

Tow Away: An officer towing a vehicle away, which is not to be held by either the State or the City, will make a note in the incident or traffic accident report as to the disposition of the vehicle. A property report will be completed if any property is removed from the vehicle, and it is to be kept in the custody of the Police Department. If neither a crime report nor traffic accident report is to be written, the tow will be entered into the tow log with sufficient notes to describe the disposition of the vehicle.

Policy 503 Impaired Driving

503.1 PURPOSE AND SCOPE

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

503.2 POLICY

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

503.3 INVESTIGATIONS

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

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

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

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

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

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

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

Any prior related convictions in Utah or another jurisdiction.

503.4 FIELD TESTS

Officers will be prepared to administer the SFST to drivers suspected of being under the influence of alcohol and/or drugs. Officers will be trained to evaluate the sobriety test steps and accurately record the results.

503.5 CHEMICAL TESTS

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

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

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).

Under the influence of alcohol, any drug or combination of alcohol and any drug.

Having any measurable controlled substance or metabolite of a controlled substance in the person's body.

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

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

503.5.1 BREATH TEST

The Utah Highway Patrol should ensure that the intoxilyzer device is properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Utah Highway Patrol and/or Quartermaster.

503.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Utah Code 41-6a-523; Utah Code 77-23-213). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical

personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

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

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

503.5.3 URINE SAMPLES

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

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

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

503.5.4 STATUTORY NOTIFICATIONS

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

503.6 REFUSALS

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

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

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

Document the refusal in the appropriate report.

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

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

503.6.2 BLOOD SAMPLE WITHOUT CONSENT

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

A search warrant has been obtained.

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

503.6.3 FORCED BLOOD SAMPLE

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

The responding supervisor should:

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

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.

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

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

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

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

Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used, and a refusal should be noted in the report.

In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

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

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

503.7 ARREST AND INVESTIGATION

503.7.1 ARREST AUTHORITY

An officer may make a warrantless arrest of a person that the officer has probable cause to believe has violated the DUI laws of this state, whether the offense occurred in the officer's presence (Utah Code 41-6a-508).

503.7.2 OFFICER RESPONSIBILITIES

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

Provide the person with basic information regarding how to obtain a hearing before DLD.

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

503.7.3 VEHICLE IMPOUNDMENT

An officer who arrests a person for DUI shall seize and impound the vehicle the person was driving at the time of the arrest. If operable, the vehicle may be released upon request to the registered owner of the vehicle if the person is able to present proof of ownership, a valid driver 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).

503.7.4 SELECTION OF CHEMICAL TEST

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

503.7.5 ADDITIONAL TESTING

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

503.8 RECORDS BUREAU RESPONSIBILITIES

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

503.9 TRAINING

OPST should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. OPST shall also ensure that each officer receives training on the current standard field sobriety testing guidelines established by National Highway Traffic Safety Administration (Utah Code 41-6a-515.6).

OPST should confer with the prosecuting attorney's office and update training topics as needed.

Policy 504 Traffic Citations

504.1 PURPOSE AND SCOPE

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

504.2 DISMISSAL OF TRAFFIC CITATIONS

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

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

Should an officer determine that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, after having been submitted, the officer may submit a memo to their division commander with the reason for dismissal. Upon approval, the Division Commander will then forward the memo to the Records Supervisor for dismissal.

504.3 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 Records Bureau.

504.4 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The supervisor shall prepare a letter of correction to the records division supervisor to correct the citation.

504.5 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of the Department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records Bureau.

Policy 602 Asset Forfeiture

602.1 PURPOSE AND SCOPE

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

602.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - Any item that is unlawful to produce or possess under state or federal law, including controlled substances possessed, transferred, or distributed in violation of the Utah Controlled Substances Act and computers used to commit crimes involving child pornography or identity theft (Utah Code 24-1-102).

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Provo City Police Department seizes property for forfeiture or when the Provo City Police Department 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 department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Seized property that has been used to facilitate the commission of a federal or state offense and seized proceeds when authorized under Utah Code 24-4-102 (Utah Code 24-1-102).

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 POLICY

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

It is the policy of the Provo City Police Department 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.

602.3 ASSET SEIZURE

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

602.3.1 PROPERTY AND CONTRABAND SUBJECT TO SEIZURE

Property and contraband that may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer includes (Utah Code 24-2-102):

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

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

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

It is directly or indirectly dangerous to health or safety.

It is evidence of an offense.

It has been used or was intended to be used to commit an offense.

It constitutes the proceeds of an offense.

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.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

Property that should not be seized for forfeiture includes:

Cash and property that does not meet the forfeiture counsel's current minimum forfeiture guidelines.

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:

The operator of the vehicle has previously been convicted of an offense committed after May 12, 2009, and specified in Utah Code 24-4-102.

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.

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).

Property seized incident to an arrest solely for possession of a controlled substance or controlled substance analog under Utah Code 58-37-8(2)(a)(i).

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following (Utah Code 24-2-103):

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 officer must leave the copy in the place where the property was found, if it is reasonable to do so.

Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

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

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

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

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

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

Cash and other negotiable instruments are deposited into a restricted interest-bearing account designated solely for property subject to forfeiture within 30 days of seizure (Utah Code 24-2-104).

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

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

Associated documentation complies with Utah Code 24-2-103.

602.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture (Utah Code 24-4-119).

The responsibilities of the forfeiture reviewer include:

Remaining familiar with forfeiture laws, particularly the Forfeiture and Disposition of Property Act (Utah Code 24-1-101 et seq.) and the forfeiture policies of the forfeiture counsel.

Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.

Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws (Utah Code 24-2-105). The forfeiture reviewer should contact federal authorities when appropriate.

Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

Names and contact information for all relevant persons and law enforcement officers involved.

Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).

A space for the signature of the person from whom cash or property is being seized.

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.

Any other information that may be needed to comply with Utah Code 24-2-103.

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 Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

Reviewing each asset forfeiture case to ensure that:

Written documentation of the seizure and the items seized is in the case file.

Independent legal review of the circumstances and propriety of the seizure is made in a timely manner (Utah Code 24-4-103).

Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Utah Code 24-4-103; Utah Code 24-4-104).

Property is promptly released to those entitled to its return (Utah Code 24-2-107; Utah Code 24-2-108; Utah Code 24-4-103.5).

All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.

Any cash received is deposited with the fiscal agent.

Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

Current minimum forfeiture thresholds are communicated appropriately to officers.

This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

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

A copy of the property receipt is kept in the case file and, if the property is transferred to another agency, a copy of the receipt is provided along with the property (Utah Code 24-2-104).

Any records of a related interview of a child are retained pursuant to Utah Code 53-13-110.5.

The request for a forfeiture action be commenced by the forfeiture attorney as provided in Utah Code 24-4-103.

Ensuring that the Department disposes of property as provided by law following any forfeiture (Utah Code 24-4-115).

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 City financial directives. Utah Code 24-4-118 should be referenced for reporting federal seizures to the Utah Commission on Criminal and Juvenile Justice.

602.7 DISPOSITION OF FORFEITED PROPERTY

No property seized shall be transferred, sold, or auctioned to an employee of this department (Utah Code 24-2-104).

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

Any property, money, or other items of value received by this department pursuant to a federal forfeiture shall be used in compliance with federal laws and regulations relating to equitable sharing (Utah Code 24-2-105). Such property may be used to fund crime prevention and law enforcement activities described in Utah Code 24-4-117(10). State law prohibits the use of property or money received to be used for such things as salaries, benefits, any expenses not related to law enforcement, and other purposes specified in Utah Code 24-4-117(11).

Money received as a result of a federal forfeiture may only be used as approved by the city council (Utah Code 24-2-105).

602.8 LIMITATION ON FEES FOR HOLDING SEIZED PROPERTY

The Department will not charge a person contesting a forfeiture any fee or cost for holding seized property as the result of any civil or criminal forfeiture in which a judgment is entered in favor of the person, or where a forfeiture proceeding is voluntarily dismissed by the prosecuting attorney (Utah Code 24-4-112).

Policy 603 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 Provo City Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Provo City Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

Single Use Informant- A person who provides pertinent information related to a case one time and receives a return (e.g., hotel clerk, tow truck driver, delivery person).

603.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years 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:

The juvenile's parents or legal guardians

The juvenile's attorney if any

The court in which the juvenile's case is being handled, if applicable

The Chief of Police or the authorized designee

603.3.2 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity, and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.4 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:

The extent of the informant's personal involvement in the case

The significance, value, or effect on crime

The value of assets seized.

The quantity of the drugs or other contraband seized.

The informant's previous criminal activity

The level of risk taken by the informant

603.4.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

603.4.3 AUDIT OF PAYMENTS

The Chief of Police 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 Chief of Police 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. Unannounced audits of the confidential informant funds may be conducted at any time to ensure:

Adherence to the procedures set forth in this directive.

Proper fiscal control measures are being followed.

Misuse of informant funds may result in disciplinary action, including termination of employment, and prosecution under U.C.A. 76-8-402.

603.5 POLICY

The Provo City Police Department 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 department 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.

603.6 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, or their authorized designees.

Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

Criminal activity by informants shall not be condoned.

Informants shall be told they are not acting as police officers, employees, or agents of the Provo City Police Department, and that they shall not represent themselves as such.

The relationship between department members and informants shall always be ethical and professional.

Members shall not become intimately involved with an informant.

Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Operations Commander.

Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

Officers shall not meet with informants unless accompanied by at least one additional officer or with prior approval from their immediate supervisor.

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

In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.6.1 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 Department 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.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

The informant has provided untruthful or unreliable information in the past.

The informant behaves in a way that may endanger the safety of an officer.

The informant reveals to suspects the identity of an officer or the existence of an investigation.

The informant appears to be using his/her affiliation with this department to further criminal objectives.

The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

The informant commits criminal acts subsequent to entering into an informant agreement.

603.7 ACCOUNTABILITY

Members assigned to the Provo Police Department's Special Enforcement Team (SET) work closely with the Utah County Major Crimes Task Force. The Task

Force provides grant funding to the SET Team which is both federally and state controlled. The funding is used to compensate confidential informants for information they provide, as well as for the purchase of controlled substances. Members of the SET Team will be required to abide by the rules and regulations mandated by the Utah County Major Crimes Task Force in relation to confidential informants as well as the storage and accessibility of such information when funding used to pay the informant is provided by the Task Force.

Any other Provo Police personnel assigned to the Utah County Major Crimes Task Force will be required to follow these regulations.

Policy 605 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 Provo City Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

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

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If

an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

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

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

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

605.4 DISCLOSURE OF PERSONNEL INFORMATION

If Brady information is located, the following procedure shall apply:

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.

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)).

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

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.

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.

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.

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

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

605.5 INVESTIGATING BRADY ISSUES

If the Department 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.

605.6 TRAINING

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

Policy 607 SCHOOL RESOURCE OFFICERS

607.1 PURPOSE AND SCOPE

All Provo Police Department Officers conduct their activities pursuant to the community-based policing philosophy. The cornerstone of that philosophy is the formation of problem-solving partnerships with the community to identify and solve crime and quality of life concerns.

The SRO Program involves the assignment of police officers from the Provo Police Department to work directly in Provo School District schools. The purpose of these assignments is to reduce crime and improve juvenile justice outcomes by locating officers in schools and establishing partnerships with school communities.

The School Resource officer ("SRO") will regard the school campus and the surrounding area as his/her assigned community. He/she will work with students,

teachers, and school administrators to identify and analyze problems that make students and faculty feel unsafe on the school campus. These may include physical problems, disruptive behaviors, or crimes. The SRO will work with all stakeholders to identify the root cause of problems and to develop and implement long term sustainable solutions.

607.2 OBJECTIVES

1. The goals of the SRO/School partnership include the following:
 - A. Prevent juvenile delinquency.
 - B. Maintain a safe and secure environment on campus.
 - C. Prevent criminal activities and disturbances.
 - D. Promote positive attitudes regarding police functions.
 - E. Instill in students a sense of their rights and responsibilities as citizens.
 - F. Establish a positive working relationship with the school and surrounding community.
2. The SRO will accomplish these goals by:
 - A. Patrolling the school campus.
 - B. Investigating crimes that occur within the school and on school property.
 - C. Supporting or implementing programs such as G.R.E.A.T.
 - D. Conferring with the principal to develop plans and strategies to minimize and prevent dangerous situations on or near the campus.

607.2.1 ASSIGNMENT

Provo P.D. will assign uniformed police officers to all middle and high schools over which it has jurisdiction. A sergeant will be assigned as the SRO supervisor. The SROs will serve at the discretion of the Chief of Police.

607.3 ROLES OF THE SCHOOL RESOURCE OFFICER

1. An SRO will serve as the community police officer for the school with the obligation to enforce state, local and applicable federal laws.
2. The SRO may serve as a law-related educator and be available to teach law-related topics.

3. The SRO serves as an advisor and a resource for students, parents, and school staff regarding law enforcement related issues.
4. SROs shall exemplify the law enforcement role in society by adhering to the law enforcement code of ethics, fostering relationships with students and school personnel based on professionalism, mutual respect, and trust. School Resource Officers are ambassadors of the police department and serve as a resource to students, their families, school staff, and the community at large.
5. SROs are employees of Provo City on assignment to the Provo School District for the school year.

607.4 RESPONSIBILITIES OF SCHOOL RESOURCE OFFICERS

1. The SRO Sergeant who will act as a liaison between school staff and Provo Police Department and will be the primary contact for the school district. The SRO Sergeant, or his/her designee, will also act as a liaison between Provo Police Department and the 4th District Juvenile Court.
2. The SRO shall investigate violations of criminal law and take appropriate enforcement actions in matters occurring on school property or involving students or school personnel.
3. SROs must adhere to all police department general directives and all applicable school district policies. If school district policies conflict with departmental directives, the department directives will take precedence. Guidance from the immediate police supervisor may be sought to clarify any conflict.
4. SROs shall operate a fully marked Provo Police Department patrol vehicle, fully equipped, when reporting for duty at their respective assignments. A SRO may drive a specialty vehicle (EOD, Mtn. Rescue, etc.) as needed or authorized by the SRO sergeant. The SRO Sergeant may operate a department assigned unmarked vehicle.
5. SROs will transport students only when they have the student in lawful custody, including temporary custody, as authorized by a parent or legal guardian, in accordance with Utah law, Provo Police Department policies and the dictates of the Fourth Amendment.
6. SROs shall dress in the department Class "B" Uniform and wear their department issued duty gear during school hours and school activities unless authorized by the SRO supervisor.

7. The SRO may not enforce or investigate violations of school rules or policies or become involved with matters that are strictly school discipline issues unless requested by school administration and authorized by the SRO supervisor.
8. The SRO is not to be considered a member of the school faculty or staff.
9. Assignments and hours during the summer months and during the school year when school is not in session shall be at the discretion of the Special Operations Division Commander.

607.4.1 DUTIES OF THE SCHOOL RESOURCE OFFICER

1. To remain on the assigned school campus from school opening until school closing times unless otherwise required by Provo Police Department or the SRO supervisor.
2. To act as a liaison between the Provo Police Department and the school faculty, staff, students, and parents.
3. To formulate crime prevention programs to educate and reduce the opportunity for the commission of crimes against persons and property in the school.
4. To resolve any law enforcement related problems between the school and the surrounding residential or business communities so that the school will maintain a viable relationship with the surrounding community.
5. Attend large school functions that require police presence (e.g., sporting events, dances, etc.) as authorized by their supervisor.
6. Assist in the planning and implementation of all mandated lock down drills and fire drills.
7. Initiate police reports and investigating all criminal matters reported to them during their tour of duty.
8. Document and investigate all other matters that are of importance to the safety of the school and community (e.g., potential violence, gang and drug activity, etc.).
9. To notify school administration, as soon as practicable, of any emergency police action that occurs on the school campus.

607.4.2 DEPARTMENT ISSUED RIFLE

The gun will never be displayed or otherwise shown to others unless, in the officer's opinion, the rifle is needed for an actual or perceived emergency situation.

Policy 609 CRIMINAL INVESTIGATIONS UNIT/SPECIAL VICTIMS UNIT

609.1 PURPOSE AND SCOPE

Determine the function of criminal investigations and to establish guidelines, responsibilities and a purpose for the Criminal Investigations Unit and the Special Victims Unit within the Provo Police Department.

609.1.1 POLICY

It is the policy of the Provo Police Department to adopt procedures which will ensure the effective and efficient detection, apprehension and prosecution of those persons who violate federal, state, and local laws.

The investigation of criminal offenses is essential to the accomplishment of the law enforcement mission. It is the policy of this Department to insist that all officers share in the criminal investigations function, whether assigned as an investigator or as a member of the uniformed patrol.

The preliminary investigation process is a patrol function to be performed by sworn and non-sworn personnel.

The follow-up investigation process is to be performed by personnel assigned to the Criminal Investigations Division. The overall objective of the preliminary and follow-up investigations is to identify, apprehend, and successfully prosecute the offender.

609.1.2 OBJECTIVES

1. To implement and maintain standards that promotes efficient use of personnel.
2. To implement administrative standards for the Criminal Investigations Unit and the Special Victims Unit.
3. To implement operational standards for the Criminal Investigations Unit and the Special Victims Unit.

609.1.3 RESPONSIBILITIES

The organizational structure of the Criminal Investigations Division, establishes the chain of command as the flow of communications within the Division.

1. Chief of Police - As Chief of Police, he/she is responsible for commanding and overseeing all actions of the Criminal Investigations Division.

The Chief of Police will review and approve all personnel assigned to the Criminal Investigations Division.

2. Captain - Division Commander, he/she is responsible to provide leadership and guidance to the Criminal Investigations Division.

The Division Commander shall assign officers to the investigative component of the Criminal Investigations Division. The officer(s) assigned to criminal investigations will be selected based on their skill, knowledge, ability, training, and other traits necessary to carry out the responsibilities of the position.

3. Lieutenant - He/she is responsible for the supervision of subordinate personnel and ensures criminal and administrative investigations are conducted and completed in accordance with this directive. Conduct investigations as needed and complete assignments given by the Division Commander and/or the Chief of Police.

4. Sergeant - As Unit Sergeant, he/she is responsible for the supervision of subordinate personnel as applicable. Provide direct leadership for developing, training, and mentoring the detectives assigned to the unit and ensure criminal and administrative investigations are conducted and completed in accordance with this directive. Provide supervision to the investigation of all major cases. Conduct criminal and administrative investigation as assigned by the Lieutenant.

To ensure that Detectives are available to respond on a continuous basis, the Sergeant of Investigations will maintain an on-call duty investigator calendar that will be published regularly. The duty calendar will be available to the Patrol Commander and the Dispatch Center. If the on-call investigator cannot be contacted, the appropriate Sergeant of Investigations shall be notified.

5. Detective - As an investigator, he/she is responsible for developing and conducting criminal investigations received during office call, on call duty, and as assigned by the sergeant or lieutenant. Complete all investigations in accordance with this directive.

While one Detective is assigned on-call status, all Detectives are subject to call out when needed. If the on-call detective will not be available for an extended period of time the appropriate Sergeant should be notified.

609.1.4 CRIME SCENES

All crime scenes processed by an officer of this department will be documented in an Incident/Supplemental report(s).

The Incident report will be completed by the first officer on the scene and will contain as a minimum the following:

Date and time of arrival

Location of the crime

Name of the victim(s), if known

Name of the suspect(s), if known

Actions taken at the scene.

The supplemental Report will be completed by the Investigator and will contain as a minimum the following:

Date and time of arrival

Actions taken at the scene.

Individuals interviewed.

Information on any arrests made.

List of physical evidence recovered.

Criminal Investigations Unit (CIU) shall investigate the following crimes/instances:

Homicides

Suicides

Suspicious deaths

Robberies

Assaults

Missing Persons

Casualty incidents

Auto thefts

Forged/Fraudulent Checks

Burglaries

Frauds / Identity Thefts

Property crimes

Background Investigations

Arson

Special Victims Unit (SVU) shall investigate the following crimes/incidences:

Deaths involving children.

Sexual Assaults

Child Molestation

Child abuse and unfit home investigations

Domestic Violence involving serious injuries and repeated offenses.

Deviant Behavior

Prostitution

Cyber Crime involving deviant behavior.

Human Trafficking

609.1.5 MAJOR CASE SQUAD

The purpose of a Major Case Squad is to ensure that adequate manpower and resources are available for the investigation of certain major criminal offenses or other criminal activities.

When a Major Case Squad is deemed necessary, the Lieutenant of the Criminal Investigations Division will:

Authorize the implementation of the Major Case Squad.

Have overall authority and responsibility for the operation and be accountable to the Division Commander and/or the Chief of Police.

Determine the number of personnel to be assigned to the Major Case Squad.

Evaluate the progress of the Major Case Squad and make recommendations to the Division Commander to determine the feasibility of its continuance.

Keep the Division Commander and the Chief of Police apprised of the status of the Major Case Squad.

Members assigned to a Major Case Squad will be:

Accountable to the Lieutenant of the Criminal Investigations Division.

Responsible to identify and provide resources and expertise needed in the investigation.

Responsible for the completion of reports necessitated by their investigation.

609.1.6 CASE MANAGEMENT

To maintain a standardized system for the accountability, immediate retrieval, and status of investigations conducted by the Criminal Investigations Division, it is imperative that each Detective follow the procedures as outlined.

1. When sufficient information is received from any source that would require investigative effort to resolve, a case should be opened and pursued. Any case referred from outside CID will be approved by the appropriate sergeant, or above, before being assigned to a detective.
2. Cases may be initiated independently or assigned by a supervisor. Criminal Investigations Unit Sergeant and the Special Victims Unit Sergeant will maintain a log of cases assigned to Detectives.
3. When an investigation is initiated by a Detective, a case number will be obtained through the Spillman system.

A computerized log shall be maintained by the Detective and will contain the case number, the officer assigned to complete the follow-up investigation and the status of all cases in the calendar year.

The Detective will use the Spillman Case Management section to maintain the status of the case. All reports, statements, copies of warrants, photos, lab reports and other related papers/documents will be scanned and saved in Spillman.

The investigative case will be accessible on a legitimate need to know basis only. An exception is when there is material of a highly sensitive nature as determined by the investigator and concurred with by the sergeant of the investigation unit. In

these cases, the sergeant will partition the case in Spillman to allow restrictive access to the case report.

Most investigative case files will be maintained electronically in Spillman. However, if the file is especially sensitive or voluminous it may be maintained as a hard copy in the Investigative Section in accordance with Department policy on records management.

4. Once a case is opened, the initial report will be submitted within 30 days. Upon completion of the investigation, the appropriate Sergeant will review and approve the case in Spillman.

In the event circumstances preclude the completion of a case within 30 days, a report will be completed in Spillman every 30 days updating the current status of the investigation. The appropriate Sergeant of Investigations will review the case with the investigator after 60 days.

The review will discuss information as to why the case extended beyond the 30 days and what steps are being taken to complete the investigation and close the case.

5. The Criminal Investigations Division Office Specialist responsible for administrative matters will have the additional responsibility of insuring that an up-to-date case opened, and case closed log is maintained for audit purposes.

6. Criminal investigations are to be suspended when all worthwhile investigative leads have been explored, or no investigative activity has taken place for a period of 90 days. If new leads are developed in a case after it has been closed or suspended, then the case can be reopened.

7. Active criminal intelligence and investigative information are exempt from public disclosure and shall not be disseminated to the public.

Case files should contain a copy of preliminary reports, witness statements, results of examinations of physical evidence, arrest reports, and records needed for investigative purposes. All documents will be scanned into Spillman. Original documents may be kept by the investigator in a secure location until the case is adjudicated. After the case has been completed all original documents will be stored electronically then destroyed. On a case-by-case review documents may be maintained.

Closed criminal cases may only be released to the public through the Provo Police Records division.

Case Screening System - Solvability Factors

1. A solvability factor is information about a crime which can provide the basis for determining who committed that crime. Law enforcement experience has shown that when a preliminary investigation or second contact fails to disclose one or more of these solvability factors, the case will have very little chance of being solved. The following are the solvability factors which will be used to assign cases for follow-up. If none of these factors exist a follow-up investigation is not required, the case may be administratively closed. The solvability factors include:

The suspect can be named.

The suspect can be identified.

The address of the suspect is known.

There is likelihood that the suspect can be located.

The vehicles license plate number used in the crime is known.

There is likelihood that the vehicle used in the offense can be identified or located.

There was traceable property (by serial number or uniqueness of the property) taken in the offense.

There exist identifiable latent fingerprints to be submitted for attempted match through AFIS.

A significant modus operandi can be developed, or a distinctive pattern of similar crimes exist in the same general location or during the same time period.

It is reasonably suspected that there was limited opportunity to commit the crime.

There is reason to believe that the crime may arouse such public interest that public assistance may lead to crime solution.

There are reasons to believe that further investigative efforts will lead to the solving of the crime.

Chief of Police, Captain, Lieutenant, or Sergeant can direct that any case be assigned for investigation.

Cases may be assigned to a Detective who has special skills, training or experience specific to that type of crime. If no such special conditions exist, the case will be assigned to any investigator. The assigned Detective is accountable for the cases for which he/she are assigned.

Cases will be reviewed daily by the appropriate Sergeant for solvability factors and specific investigator assignment.

Clearing or Suspending Cases

Investigative efforts on a case may be suspended when any of the following occurs:

Case is Cleared by Arrest when an offender is arrested, charged with a pertinent offense and measures have been taken to recover all property for which the location is known.

Case is Cleared Unfounded when investigation shows that an offense did not occur and there are sufficient grounds to support this decision.

Cases are Administratively Closed when it appears that all investigative leads have been exhausted and there is little or no chance of solving the case. Cases administratively closed may be reopened whenever new evidence becomes known, further leads to possibly solving the case are discovered or by direction of proper authority.

Case is Exceptionally Cleared whenever, due to exigent circumstances beyond the investigators control, the identity of the perpetrator is known, and prosecution is not possible. To qualify for an exceptional clearance, all of the following facts must be present:

The investigation has established the identity of the offender.

There is enough evidence to support an arrest, charge and turning over to the court for prosecution.

The exact location of the offender is known so that he/she could be taken into custody; and

There is some reason outside police control that prevents the arresting, charging, and prosecuting the offender, i.e., death of offender, extradition is denied, victim refuses to cooperate, or prosecutors decides not to prosecute.

609.1.7 PRELIMINARY INVESTIGATIONS

Preliminary investigations of all offenses shall be the responsibility of the Patrol officer dispatched to the scene until relieved by a supervisor or detective.

1. The patrol supervisor will call for the services of a detective whenever, in the supervisor's opinion, a detective's skills and experience is required or when complex evidence collection is needed.
2. The preliminary investigation begins immediately upon the arrival of officers at the scene of an incident or upon taking a report and continues until the investigation is transferred to a detective. One of the main goals of the preliminary investigation is to identify leads or clues, as to the identity of the offender and to locate and preserve evidence.
3. The officer charged with the preliminary investigation shall attempt to discover all pertinent information by following the steps listed below in conducting preliminary investigations:

Observe all conditions, events and maintain the integrity of the crime scene to ensure that evidence is protected and not lost or contaminated.

Locate and obtain complete identification or as much information that is available of all witnesses.

Maintain the crime scene, protect it and arrange for the collection of evidence. Access to the crime scene will be restricted to those officers involved in the investigation or in processing the crime scene and medical/emergency personnel.

Interview the complainant, victim(s), witness(s), and suspect(s) to determine what information is known and obtain written statements from each. In cases where a detective is going to be called to the scene, the detective should be consulted prior to interviewing the suspect.

Some investigative checklists are available to aid in criminal investigations which may be used by the investigating officer.

609.1.8 FOLLOW-UP INVESTIGATIONS

The purpose of the follow-up investigation is to discover additional information to clear a case, identify and arrest an offender, recover stolen property, gather additional evidence and present this evidence in court. Generally, follow-up investigations will be conducted by the Criminal Investigation Division The

following measures will be used as a standard in conducting all follow-up investigations:

1. Reviewing and analyzing all previous reports prepared in the preliminary phase, checking records for other reports of like nature, or with the same subject, and reviewing laboratory examinations; and
2. Conducting additional follow-up inquiries, interviews and interrogations of victims, witnesses, responding officers and/or suspects.
3. Seeking additional information through interviews (of uniformed officers, informants, etc.).
4. Planning, organizing, and conducting searches, and collecting physical evidence. Searches are not required in all cases. The investigator is responsible for the collection and processing of the crime scene or requesting assistance from another agency. The investigator is responsible for collecting physical evidence, properly logging the evidence in the property room, maintaining the chain of custody, and arranging for examination of that evidence by forensic experts.
5. Identifying and apprehending suspects to include the use of physical and photo lineups.
6. Determining involvement of suspects in other crimes of a similar nature.
7. Checking suspects criminal history.
8. Preparing cases for court presentation.
9. Making a second contact with principals in a case requiring follow-up investigation or when the case is closed.
10. In major felony cases, and when a clear photo is available, a request through UCJIS can be made for facial recognition, in accordance with UCA 77-23e-104. The only approved method for facial recognition is through UCJIS, no other means of facial recognition shall be used.

SECOND CONTACTS

In general, a second contact will be made by the Detective with the victim and/or other principals within five working days from the date of assignment. The main purpose of this second contact is to ascertain if the individual has remembered

additional information or if any other information has surfaced which may lead to a successful clearance of the case.

Whenever the status of a case changes, the assigned investigator will notify the complainant or victim of the change in status. This notification will be documented in the report. When the case is closed, the victim/complainant will be informed that the case may be re-opened if further investigative leads develop later.

ASSIGNMENT CRITERIA

Supervisors for each of the investigative units will be responsible for determining the initial degree of attention to be given to individual reports which are forwarded to an investigator. Cases will be assigned based on the criteria listed below.

1. Assigned (ASN) - A report in this category should have at LEAST one solvability factor to work.

Tangible leads to follow.

Available person (informant, victim, witness, suspect) who may provide new or additional information.

Any other indication of "something to be done" in the furtherance of the case.

Property loss more than an established figure.

All felony arrests shall be assigned to assure uniformity in case tracking.

2. Pending Initial Victim Contact (PVC) - A case report may be forwarded to a Detective with a PVC notation which indicates:

No workable leads.

Verbal contact with victim required because of circumstances.

Notify victim of case status.

3. For Information Only (INF) - A case report may be forwarded to a Detective with an INF notation which indicates:

No workable leads.

No contacts required for this report.

Reports should be read for the value that it may have in furtherance of other cases (patterns, MO, etc.)

NOTE: The status of INF and PVC cases shall be closed with the appropriate clearance in Spillman.

4. Closed Cases - Any closed case may be re-opened for further investigation when information or evidence is discovered that will help solve the case. The investigator assigned to the re-opened case will be responsible for investigating the case in accordance with this directive.

609.1.9 BACKGROUND INVESTIGATIONS

The information obtained during the background investigation should be made available only to those officers who are involved in conducting the investigation.

Background investigations will be limited to those ongoing criminal cases under investigation, unless otherwise directed.

All information obtained in a criminal background investigation will only be used for its legally intended purpose. If the information is not crucial to development of a case, it will be destroyed. If the information is required to support the case, it will be filed in the case jacket.

Records involving background investigations which are not immediately destroyed shall not be released or distributed.

Criminal history records will be handled and maintained in accordance with current state laws.

609.1.10 INTERVIEW AND INTERROGATION

Interviews and interrogations will be conducted in accordance with current judicial decisions to protect the Constitutional rights of any individual. Interviews may be conducted with victims, witnesses and any other person that may have knowledge about any aspect of the offense. Interrogations may be used for suspects and those persons who are directly involved in a criminal investigation. Whether or not the term interview or interrogation is used, the same degree of courtesy and professionalism will be used in dealing with individuals who are questioned.

INTERROGATIONS

Miranda warnings shall be given in a manner that assure the suspect has heard and understood what constitutional and statutory rights he or she is entitled to. Miranda warnings should be read from an approved Miranda warning or from a Provo

Police Department Miranda Form. A suspect who requests the aid or presence of an attorney shall not be questioned until the attorney is present.

The detective should take into consideration the following when giving the Miranda warning: language difficulties, age of the suspect, mental condition, drug or alcohol consumption by the suspect, wounds, shock, or other medical impairment.

No coercion, threats, or promises shall be used under any condition to obtain a confession, statement, or admission from any individual.

Voluntary statements may be taken from a suspect after a valid Miranda warning has been given, or whenever a voluntary statement is made when the Miranda warnings are not a prerequisite for admissibility in court.

When a suspect is making a voluntary verbal statement, officers do not have to prevent him from continuing to talk.

INTERVIEW PROCEDURES

When conducting an interview or an interrogation, officers shall do so in an area in which distractions are limited or eliminated. Officers shall utilize the interview rooms whenever practical. The following minimum standards for interviewing will be maintained:

Record interviews when possible. Both audio and video recording may be used.

Threats or promises should not be used to obtain a statement or admission from any individual.

Ensure privacy when conducting the interview.

A written or dictated statement may be obtained. A written statement should not take the place of an oral interview.

TECHNICAL AIDS FOR THE DETECTION OF DECEPTION

Technical aids for the detection of deception may be used in an investigation if appropriate.

Requests are made to the polygraph or CVSA examiner verbally or in writing. Requests must be accompanied by sufficient data for evaluation of the subject. The decision to do an examination is based on the nature of the investigation, data available, and the characteristics of the person to be examined.

Formal polygraph or CVSA examinations may not be required or requested of any victim in a sex offense involving the use of force, violence, duress, menace, or threat of great bodily harm.

INTERVIEWING WITNESSES

Witnesses should be interviewed as soon as possible after the incident under investigation.

An officer should not hesitate to request a witness to remain at the scene until interviewed.

The detective will obtain the names, addresses, and telephone numbers of all persons interviewed. Record the place, time, and date of the interview.

As soon as possible, witnesses should be separated to ensure independent statements.

Eyewitness identifications must be made under strict legal requirements and must avoid any suggestiveness by the police on impressionable witnesses.

An officer interviewing a victim or witness should immediately identify himself or show his credentials if he is not in uniform.

Considerations should be given to the physical and emotional needs of witnesses.

Calm the excited and emotionally upset witness (if necessary, delay the interview until the witness has regained composure).

Maintain privacy to the greatest degree possible.

Inform the victim or witness of the phone number and location of the department's victim/witness assistance program or similar programs available.

Where appropriate, inform the victim or witness of the phone number and location of the City and/or County Attorney's Office, especially if the victim or witness has questions of a legal nature.

Where appropriate, inform the witness that it is a criminal offense for anyone to threaten or intimidate the witness into altering or changing his testimony or not to testify. If anyone attempts to do so, the witness should be told to contact the police immediately.

REPORT WRITING

All information obtained from witnesses should be passed on to the lead investigator.

All pertinent data should be included in the officer's official report and submitted in accordance with departmental practice and procedures.

609.1.11 CONFIDENTIAL INFORMANTS

See policy 603 Informants.

609.1.12 INFORMATION DISSEMINATION

DEPARTMENT DISSEMINATION

Detectives will maintain an open line of communication between themselves and the patrol officers. Dissemination of information about a crime often leads to the identity and apprehension of a subject.

Detectives will disseminate information on arrest warrants, investigative information, and request for assistance in locating suspects using the department Hot Sheet, ATL, or Wanted flyers.

A detective assigned to daily Office Call status will attend Patrol Shift briefing at 0700 and 1500. (Mon - Fri)

Prior to attending Patrol briefings, the attending detective should contact detectives in both units to learn of any information that needs to be passed to Patrol.

If the Office Call Detective is unable to make this assignment, he is to contact the supervisor of his unit so that a replacement can attend Patrol briefing.

Information gathered from Patrol briefings will be passed along to the necessary detectives and then shared in SOD briefing.

PUBLIC DISSEMINATION

Information received while in the performance of law enforcement duties should not be disseminated to the public without supervisor approval and in accordance with department directives and state law.

Public requests for police reports should be forwarded to the Records Division to determine if and when the report may be released.

609.1.13 PHYSICAL EVIDENCE

Collection, Preservation and Use of Physical Evidence

When physical evidence is properly collected, marked, and preserved, it cannot perjure itself nor can it be impeached. Except where there is a need to render aid to the injured or to arrest a suspect, the actual crime scene should not be disturbed until it has been processed. Caution must be exercised to prevent disturbing or destroying any evidence. All unauthorized persons, including police officers not assigned to the case, should be restricted from the scene until all evidence is located, identified, and preserved. Items of physical evidence which are or may be of value in court prosecution must be properly collected, documented, and preserved until it can be analyzed.

Physical evidence collected and preserved when investigating any crime scene shall be in compliance with department policy. Detectives will be mindful of the physical evidence which may be collected from a crime scene and ensure that it is used in the development of the case.

609.1.14 POLYGRAPH AND CVSA

Use of Polygraph or Computer Voice Stress Analysis

Polygraph and Computer Voice Stress Analysis (CVSA) examinations and similar testing are recognized aids available to the investigator. An Investigator of this Department may utilize a CVSA or a polygraph examination in any criminal matter where there is probable cause to believe that truthfulness is in question. The results of the examination will be filed with the case jacket and will only be released to law enforcement or the City/County Attorney's office unless a court order is issued.

The use of a CVSA or a polygraph examination should be approved by the investigator's immediate supervisor.

The examiner will be licensed and/or certified in accordance with the manufacturer's requirements and the prescribed professional standards accepted in their field of expertise.

Sexual Assault Victims

Polygraph or CVSA should not be used to determine the truthfulness of a victim of any type of sexual assault.

609.1.15 SURVEILLANCE

Surveillance is the covert observation of places, persons, and vehicles for the purpose of obtaining information concerning the identities and/or activities of subjects involved in criminal activities. Generally, the purpose of surveillance is to: detect and deter criminal activities; discover the identity of persons who frequent an area and determine their relationship when they are involved in criminal activity; discover the identity of persons who live in or frequent the place where criminal activity is reasonably suspected; to obtain evidence of a crime; or to provide a basis for obtaining a search warrant.

Surveillance may be used in the investigation of any crime. Surveillance may develop additional information involving the investigated crime, gather additional intelligence information or observe new crimes being committed.

All surveillance activities, whether conducted solely by the Department or jointly with other agencies must be directly related to suspected criminal activities and must be conducted in a lawful manner and in accordance with the procedures of this agency. The Lieutenant of the unit conducting the surveillance will be kept informed of any ongoing surveillance activities and its termination.

609.1.16 COURT PROSECUTION

The ultimate goal of an investigation is to collect evidence, gather facts, and determine if a crime was committed.

In the event a detective determines through an investigation there is probable cause a crime was committed he/she, where appropriate, will either arrest or refer charges to the prosecutor's office.

If charges are filed and the case is set for trial the investigator will:

present all reports, documents, and evidence to the prosecutor and the court as requested.

be familiar with all aspects of the case to provide professional testimony. The testimony given will be accurate, honest, and unbiased.

provide information and assistance to the prosecutor's office to help with the prosecution of the offender.

609.1.17 INVESTIGATIVE TASK FORCES

At times it may be necessary to create an Investigative Task Force to investigate specific crimes that cannot be handled by normal means. This may include, but not

limited to, major criminal cases, mass destruction, community safety concerns, or any incidents requiring additional manpower or time to complete the investigation. The task force may involve only Department employees, or may be a mutual effort with another law enforcement agency.

Officers and employees will be assigned to participate in an investigative task force by a supervisor and approved by the unit Lieutenant. Assignment will be based on the skills needed, availability of the person, and the needs of the Department.

All resources needed for the task force should be identified and requested. Required resources may include manpower, vehicles, equipment, special investigative equipment and/or any weapons not issued by the Department.

A task force commander will be appointed to provide leadership and oversight of the operation. The task force commander will be accountable for the operation of the unit. Officers assigned to any task force will be supervised by and be responsible to the task force commander.

The task force commander will present periodic written and oral reports to the unit Lieutenant. The unit Lieutenant will evaluate the results of the written report and consult with the Division Captain to determine the continued use of the task force.

609.1.18 TEMPORARY DUTY ASSIGNMENT

The purpose of temporary duty assignment is to strengthen the investigative process, enhance career development for the individual patrol officer, and create a pool of patrol officers with investigation experience, by allowing patrol personnel to rotate through the Criminal Investigation Division.

Assignment to this rotational position is a temporary transfer. As such, the assignment will generally be for a period of one month or less. Exceptions may be made by the Division Commander.

Officers may submit a memo requesting a temporary duty assignment to a unit they have an interest in. Supervisors may request an officer be assigned to a unit that may help improve the officer's skills.

Officers receiving this assignment will not be compensated by any specialty pay during the length of the assignment.

The rotational positions are non-competitive positions. Selection of personnel to participate in the program will be made by the Division Commander and approved by the Chief of Police.

A patrol officer may be assigned to any unit in the Criminal Investigation Division and will be supervised by the sergeant of that unit.

The officer will receive training and experience that will improve their skills and aid the unit where they are assigned.

609.1.19 HABITUAL/SERIOUS OFFENDERS

The investigating officer is responsible for reviewing assigned cases to determine if a habitual/serious offender is involved in the incident. Once a habitual offender is identified, the investigating officer will check all Department and NCIC criminal history records to determine all cases in which the offender may be a party.

The Utah County Attorney's office and/or Federal authority will be advised so as to enhance any prosecution of any habitual offender. The Utah County Attorney's office and/or Federal authority is the final authority in deciding who shall be prosecuted as a habitual or serious offender.

Habitual/Serious offenders may be certain individuals who have two or more prior felony convictions and/or have two or more prior convictions for offenses involving firearms/weapons.

609.1.20 COLD CASES

A Cold Case Unit may be created as determined by the Captain or Chief of Police. The Cold Case Unit will be a function of Investigations and is to be performed by sworn and civilian personnel. Their primary function is to review and continue the investigation of unsolved homicides, suspected homicides, missing persons, rapes, and other unsolved violent crimes or Part I violent crimes.

DEFINITION

Cold Case- A case in which the lead detective initially assigned to the case has exhausted all leads and any criminal investigation that has not been solved and is not actively being investigated.

EVALUATION CRITERIA

A cold case may be opened or closed for various reasons, such as, previously available technology was not able to adequately analyze the evidence, significant time has passed in a case where witnesses were hostile and uncooperative; various time constraints hindered the investigation; and a lack of worthwhile leads stalled the case.

For a cold case to be assigned to a Detective it must first be approved by the Chief Investigator. The following selection criteria should be considered prior to opening a case:

New leads or new information has been received on the case.

Leads in the case have not been fully investigated.

The passage of time warrants re-contacting victims, witnesses, or other involved parties.

New technological advances in scientific analysis of biological evidence have been made.

A capital murder cold case will remain assigned to a specific investigator and periodically be reviewed for possible follow up investigation.

Policy 610 Unmanned Aircraft System (UAS) Operations

610.1 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.

610.1.1 DEFINITIONS

Definitions related to this policy include (Utah Code 72-14-102):

Unmanned aircraft system (UAS) – An unmanned aircraft of any type that is capable of sustaining flight whether preprogrammed or remotely controlled (commonly referred to as an unmanned aircraft) and all the supporting or attached systems designed for gathering information through imaging, recording or any other means.

610.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

610.3 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.

610.4 USE OF UAS

Only authorized operators who have completed the required training (part 107 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 where there is no protectable privacy interest or where a warrant has been obtained. In all other instances, legal counsel should be consulted.

A UAS, or images and data produced by the UAS, shall not be used to conduct personal business of any type.

UAS operations shall be conducted during daylight hours and operators shall avoid flying the UAS overpopulated areas.

UAS operations outside of Class A airspace, active Restricted of Warning Areas designated for aviation use, or approved Prohibited Areas will be conducted during daylight hours unless otherwise authorized. Night operations may be considered if the proponent provides a safety case and sufficient mitigation to avoid collision hazards at night (FAA N8900.207).

Unless exigent circumstances exist, the UAS shall only be used pursuant to valid consent or a search warrant (Utah Code 63G-18-103).

The operator shall contact the Provo airport tower when flying in their class D airspace and notify them of the flight details.

610.4.1 DATA COLLECTED BY PRIVATE CITIZEN

The Provo City Police Department may not accept, or review data captured by a privately owned UAS unless one of the following conditions exists (Utah Code 72-14-203):

The person delivering the UAS data informs the Department that the data appear to pertain to the commission of a crime.

The receiving member, 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.

610.4.2 DOCUMENTATION

The following information must be documented in any related report or other record of the law enforcement encounter when the UAS is operated by a member of the Provo City Police Department, or when the Department obtains or receives data pursuant to Utah Code 72-14-203 (Utah Code 72-14-205):

The presence and use of the UAS

Any data acquired.

If applicable, the private citizen from whom the data was received.

610.4.3 TEMPORARY FLIGHT RESTRICTION DUE TO WILDLAND FIRES

A department UAS shall not be used in an area under a temporary flight restriction because 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).

610.5 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

To conduct random surveillance activities.

To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

To harass, intimidate, or discriminate against any individual or group.

To conduct personal business of any type.

The UAS shall not be weaponized (Utah Code 72-14-303).

610.6 RETENTION OF UAS DATA

The Records Bureau supervisor shall ensure that data collected by the UAS is deleted as soon as reasonably possible subject to applicable retention schedules under the Utah Government Records Access and Management Act (GRAMA) or a federal, state or local law (Utah Code 72-14-203; Utah Code 72-14-204).

Policy 611 Operations Planning and Deconfliction

611.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations, such as search warrants, sting operations and arrest warrant service. The policy also covers the risk mitigation process that should be a part of these activities.

611.1.1 DEFINITIONS

Definitions related to this policy include:

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.

Watch Commander- The person in charge of a patrol shift or in charge of a special team such as Major Crimes Task Force, SET team or COP. This is typically the Captain, but can also be a Lieutenant or Sergeant if higher ranking officers are not on duty at the time.

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).

611.2 POLICY

It is the policy of the Provo City Police Department to properly plan and execute large scale and high-risk operations. Proper planning and execution enable effective coordination of such operations. The PPD will participate in a regional deconfliction system that is designed to enhance the safety of officers and the public, to decrease the risk of compromising investigations and prevent the duplication of efforts.

611.3 WATCH COMMANDER

The Watch Commander will develop and maintain a risk assessment form for use in assessing, planning, and coordinating high-risk operations. The form also should provide a process for supervisors to identify operations that have a lower level of risk.

The Watch Commander will review risk assessment forms with a score of 14 or higher with operations supervisors to determine whether a particular incident qualifies as high risk and will also have the responsibility of directing high-risk operations.

611.3.1 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 Chief of Police by February 1st of each year (see the Warrant Service Policy).

Reportable incidents include SWAT deployments for situations other than warrant service, such as hostage or barricaded subjects. This information should be obtained from the SWAT Commander.

The Chief of Police 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 30th.

611.4 RISK ASSESSMENT

611.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that qualifies, or may qualify as a high-risk operation, such as search warrant service, shall complete a risk assessment form.

When preparing the form, the officer should check and submit information to all relevant and reasonable intelligence resources, including regional intelligence and criminal justice databases, target deconfliction systems, firearms records, commercial databases, property records and resources for information about the target person and any others who may be present.

The officer should also gather available information that includes, but is not limited to:

Photographs, including aerial photographs, if available, of the target location, neighboring yards, and obstacles.

Geographical maps of the target location.

Diagrams of any property and the interiors of buildings that are involved.

The target person (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

Others who may be present at the target location (e.g., other criminals, innocent third parties, children, animals). Obstacles associated with the target location (e.g., fortification, booby traps, reinforced doors or windows, surveillance cameras, lookouts, the number and type of buildings, geographic and physical barriers, the number, and type 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 or door combinations).

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).

Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the target person).

611.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents, such as copies of search warrants, affidavits, and arrest warrants, to their supervisors and to the Watch Commander.

The supervisor and or Watch Commander shall confer to determine, based on the assessment, the operation's level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risk associated with the operation.

611.4.3 HIGH-RISK OPERATIONS

High-risk operations involve circumstances that present higher risks than are commonly faced by officers on a daily basis and would require the steps to mitigate risk detailed in this policy.

If the director and the supervisor concur that the operation is a high-risk operation, the director should proceed as follows:

Determine what resources will be needed at the location or placed on standby, such as:

SWAT

Extra personnel

Outside agency assistance

Special equipment

Medical personnel

Persons trained in negotiation.

Additional surveillance or information

Canines

Contact the appropriate department members, or other agencies as warranted, to begin preparation.

Direct, or delegate the direction of, the actual operation.

Ensure that all legal documents, such as search warrants, are complete, with any modifications that may be necessary to support the operation.

611.4.4 OTHER OPERATIONS

Operations with a lower level of risk must be categorized as such by the operations director and the lead officer's supervisor during risk assessment review. Operations that have a lower level of risk may be directed by the supervisor.

The risk assessment form should guide how the operation is categorized. Examples of what might be deemed an operation with a lower level of risk include:

A search warrant for an unfortified residence where the occupants have been identified and pose no identifiable risk, and the suspect of the investigation is not reasonably predicted to be at the location (e.g., suspect already in custody or lives elsewhere).

A search warrant for records and no actual search by officers is required.

The circumstances reveal no particularized risk of violence or confrontation with multiple suspects or others, and there is no reason to suspect that the subject anticipates the operation.

611.5 DECONFLICTION

The officer who is the operation lead shall ensure the investigative target and location have been entered in the regional target deconfliction system to determine if there is conflicting activity by other agencies involving the same individual, group, or location. This should occur as early in the process as practical, but no later than two hours prior to the commencement of the operation.

The officer should also enter 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 with the operation.

611.6 OPERATION PLAN

The Watch Commander or the authorized designee shall supervise operations that are categorized as high-risk. The supervisor should ensure that a written plan is developed. The plan should address such issues as:

Operation goals, objectives, and strategies.

Information from the risk assessment form, by attaching a completed copy in the operation plan.

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.

Participants and their roles:

An adequate number of uniformed officers are included in the operation team to ensure the operation is recognized as a legitimate law enforcement operation.

How all participants will be identified as law enforcement.

Whether deconfliction submissions are current and that all target individuals, groups, and locations have been deconflicted to the extent reasonably practicable.

Identification of communications channels and call-signs.

Use of force issues.

Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

Plans for detaining people who are not under arrest.

Contingencies for handling children, dependent adults, animals, and other people who might be at the location. This should be done in accordance with the Child and Dependent Adult Safety and the Animal Control policies.

Documentation of actions and responsibilities for collection, review, and approval of reports.

611.6.1 OPERATION PLAN RETENTION

Since the operation plan contains intelligence information and descriptions of police tactics, it shall not be filed with the police report package. It shall be stored separately and retained in accordance with the established records retention schedule.

611.7 OPERATION BRIEFING

A briefing should be held prior to the commencement of the operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities, and to ask questions or seek clarification as needed. Anyone who is not present at the briefing should not be present at the location of the operation without specific supervisory approval.

The briefing should include a verbal review of the plan's elements, using visual aids, to enhance the participants' understanding of the plan.

All participants should be provided a copy of the plan and search warrant, if applicable. If a search warrant is being served, 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.

The operations director or supervisor at the briefing shall ensure that all participants are visually identifiable as law enforcement officers.

Exceptions may be specifically identified because of a specialized function, such as officers who are conducting surveillance or working undercover. However, those members exempted 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.

The briefing should include details of the communications plan.

It is the responsibility of the operation 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 officers arriving at the location.

If the radio channel needs to be monitored by the Dispatch Center, the dispatcher assigned to monitor the operation should attend the briefing, if practical, but should receive a copy of the operation plan minimally.

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.

611.8 SWAT PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the SWAT Operational Command Staff supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until the individuals at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

611.9 MEDIA ACCESS

No advance information regarding the operation shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy and SWAT Logistics.

611.10 DEBRIEFING

As soon as reasonably practicable, the operation should be debriefed. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

611.11 TRAINING

Officers and SWAT team members who participate in these types of operations should receive periodic training on this policy, including, but not limited to, the following:

Legal issues

Deconfliction practices

Warrant preparation

Warrant service

Operations plan preparation

Reporting requirements

Policy 612 Warrant Service

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this Department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

612.1.1 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).

612.2 POLICY

It is the policy of the Provo City Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

612.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) or designee shall review all risk assessment forms with a tactical risk matrix score of 14 or higher with the involved supervisor to determine the risk level of the warrant service.

The 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.

612.3.1 REPORTING REQUIREMENTS

The operations director or designee 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 director shall ensure that reports on all reportable incidents in the prior year are submitted to the Chief of Police by February 1 of each year (see the Operations Planning and Deconfliction Policy for additional reporting requirements).

The Chief of Police 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.

612.3.2 MODEL GUIDELINES OF THE UTAH PEACE OFFICER STANDARDS AND TRAINING COUNCIL

The operations director 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).

612.4 SEARCH WARRANTS

The officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. 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).

612.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced daily, the officer should complete the risk assessment form and submit 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.

612.6 WARRANT PREPARATION

An officer who prepares a warrant shall ensure the documentation in support of the warrant contains as applicable:

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.

A clear explanation of the affiant's training, experience, and relevant education.

Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

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.

Full disclosure of known or suspected residents at the target location and any indication of separate living spaces at the target 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.

A specific description of the location to be searched, including photographs of the location, if reasonably available.

A sufficient description of the items to be seized.

Full disclosure of any exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

612.7 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 officers deployed.

The member responsible for directing the service should ensure the following as applicable:

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.

The warrant service is audio- and video-recorded when practicable and reasonable to do so.

Members executing a warrant shall wear a body-worn camera unless exigent circumstances make the use of such camera impracticable (Utah Code 77-23-210).

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.

Reasonable efforts are made during the search to maintain or restore the condition of the location.

Persons who are detained as part of the search warrant service are handled appropriately under the circumstances.

Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

A list is made of all items seized and a copy of the list is left with the person in charge of the premises if present or otherwise left in a conspicuous place.

A copy of the search warrant is left at the location.

The condition of the property is documented with video recording or photographs after the search.

If the use of an imaging surveillance device is requested, the application must include a description of the capabilities of the device and the measures that the officers will take to avoid the device being used in a manner beyond the scope of the warrant (Utah Code 77-23d-103).

Absent exigent circumstances, officers serving a search warrant shall wear a uniform or other clothing that clearly identifies them as law enforcement, including a badge and law enforcement label (Utah Code 77-23-210).

612.7.1 NO-KNOCK ENTRIES

Officers 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 no-knock warrant has been issued.

There is reasonable suspicion to believe that the notice will endanger the life or safety of the officer or another person.

There is probable cause to believe that evidence may be easily or quickly destroyed.

There is reason to believe that the notice will enable the escape of a person to be arrested.

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.

612.8 DETENTIONS DURING WARRANT SERVICE

Officers 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 the movements of any or all persons present at a warrant service, who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used, and weapons should be displayed no longer than the officer 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.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of the people who have been detained.

612.9 ACTIONS AFTER WARRANT SERVICE

The case officer 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.

612.9.1 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).

612.10 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:

Identity of team members

Roles and responsibilities

Familiarity with equipment

Rules of engagement

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 Provo City Police Department are utilized appropriately. Any concerns regarding the requested use of Provo City Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Provo City Police Department 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.

Officers will remain subject to the policies of the Provo City Police Department when assisting outside agencies or serving a warrant outside the Provo City Police Department jurisdiction.

612.11 TRAINING

Officers should receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

612.12 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

Policy 700 Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to the cost of repair or replacement.

Employees shall promptly report through their chain of command any loss, damage to or unserviceable condition of any Department-issued property or equipment assigned for their use.

The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

Except when otherwise directed by competent authority or required by exigent circumstances, Department 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.

Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

If any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers 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 functions, regardless of jurisdiction, shall report it as provided below.

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 ISSUANCE OF DEPARTMENT-OWNED PROPERTY

Department-owned equipment and property shall be distributed as needed by Quartermaster after receipt of a requisition form sent from a Lieutenant or higher-ranking administrator. All issued equipment and property shall be logged into the database under the employee's file. Upon leaving employment, quartermaster shall ensure all property is returned and in good condition.

700.5 INVENTORY CONTROL OF AGENCY PROPERTY

All equipment should be logged into the database and tracked to be stored or issued. Items with a serial number, such as Firearms, Tasers, Less-Lethal Shotguns, etc. will be entered into the database for tracking purposes.

Policy 701 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 Department 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 (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) 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, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Provo City Police Department allows employees to utilize department 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 Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY POLICY

Employees shall have no expectation of privacy regarding any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent, or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

701.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

Carrying a personally owned PCD is a privilege, not a right.

The Department accepts no responsibility for loss of or damage to a personally owned PCD.

Employees shall promptly notify the department in the event the PCD is lost or stolen.

The PCD and any associated services shall be purchased, used, and maintained solely at the employee's expense.

The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy about any department business-related communication.

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 because of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers of the device.

701.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

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.

For tactical considerations, all PCDs in the workplace should be set to silent or vibrate mode.

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).

Employees shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

Employees 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, to avoid or in lieu of regular radio communications.

Officers are prohibited from taking pictures, video or making audio recording or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

Employees will not access social networking sites for any purpose that is not official department business.

Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

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. Officers operating emergency vehicles should restrict 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, employees who are operating non-emergency vehicles shall not use a PCD while driving except as authorized by Utah Code 41-6a-1716. Use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Employees 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, employees shall conduct sensitive or private communications on a land-based or other department communications network.

Policy 704 Car Per Officer Vehicle Policy

704.1 CAR PER OFFICER VEHICLE POLICY

PURPOSE

The purpose of this directive is to establish a departmental policy regarding off-duty use of police vehicles. All prior Police Department or administrative directives, including, but not limited to, Administrative Directive 2013-02, and prior versions of this General Directive No. 059 are hereby repealed. This policy is to be used in conjunction with Provo City Personnel Policy #39 (Motor Vehicle Use), as amended, and capitalized words used in that policy carry the same meaning in this policy.

GENERAL PHILOSOPHY

The policy of allowing off-duty use of police vehicles is based on an expectation of benefit to the City in pursuit of its public safety mission, a belief that off-duty use of police vehicles enhances police response in emergencies, and other important governmental functions. Further, the practice is based on the belief that an increased presence of police vehicles assists in the suppression of crime.

Off-duty use of a police vehicle is not intended to be part of an employee's compensation arising from employment. As used herein, the term "Personal Use" shall have the same meaning as that term is defined in Provo City Personnel Policy #39.

POLICIES

Vehicle Assignment

Each full-time, sworn, certified Law Enforcement Officer (Officer) will be assigned a specific police vehicle. Vehicles will be provided on a seniority basis as they become available.

Permissible Off-duty Personal Use

Policy allows off-duty use, as described below, including commuting. However, this does not remove any personal liability that the employee may have by operation of law, including any violation of Provo City Police Department or Provo City policy.

The following Police Personnel may engage in off-duty Personal Use as outlined:

1. The Police Chief may use his/her assigned vehicle within the State of Utah.
2. A Division Commander may use his/her assigned vehicle within the following counties: Utah, Salt Lake, Tooele, Juab, Sanpete, Carbon, Duchesne, Wasatch, and Summit.
3. A Lieutenant may use his/her assigned vehicle within 35 road miles of the City Center, and within Utah County.
4. An on-call detective may use his/her assigned vehicle within Utah County during the time that they are being paid for on-call status.
5. An Officer with the rank of sergeant or below, who lives within the limits of Provo City, may use his/her assigned vehicle to commute to and from his/her home for duty, court, or approved training. The assigned vehicle may also be used for off-duty Personal Use within the limits of Provo City.
6. An Officer with the rank of sergeant or below, who lives outside Provo City, but 35 road miles or less from the City Center, may use his/her assigned vehicle to commute.
7. An Officer with the rank of sergeant or below, who lives more than 35 road miles from the City Center, may use his/her assigned vehicle to commute provided:
 - a) The use is approved by the Provo Police Chief,
 - b) The vehicle is parked in a well-lighted municipal police agency parking area 35 road miles or less from the City Center, and
 - c) Written permission from the Chief of the agency where the vehicle will be parked has been obtained and submitted to the Provo Police Chief.

***The Police Chief may revoke his/her approval at any time and for any reason. Such reasons may include, but are not limited to, a belief that the vehicle is not safe at the approved location, a belief that the vehicle is/was taken or parked outside the approved 35 road mile radius including to/at the Officer's home.

8. Police vehicles may not be used for off-duty Personal Use, including commuting, by Officers unwilling to submit to the terms and conditions of this directive and other City and Department policies and directives regarding vehicle use.

9. All Officers may utilize his/her assigned vehicle in furtherance of their approved educational endeavors. This includes, but is not limited to, travel to and from classes and study.

10. According to Provo City policy #39: Personal Use means an employee's operation of a city vehicle for non-city purposes including, but not limited to, off-duty travel, travel during work (i.e., travel to/from a restaurant, store, or gas station) or while commuting.

Rules for Off-duty Use

1. Human Resources may have form(s) that need to be executed prior to use of an assigned vehicle. Among other things, such form(s) will remind employees that if they are found to be operating a Provo Police or City vehicle in violation of policy that the employee may have personal liability by operation of law.

2. Any Officer using his/her assigned police vehicle for off-duty Personal Use must have in his/her possession:

a) Official police identification,

b) A handgun which the officer has been qualified by the Department to carry.

c) The Officer's police radio, which must be turned on and tuned to the Police Department's primary frequency.

3. Officers may drive their assigned vehicle to and from secondary employment within Provo City; however, their assigned vehicle may not otherwise be used in connection with such employment.

4. Officers with a rank of sergeant and below who are using their assigned police vehicle for off-duty Personal Use are expected to respond to the following incidents:

a) When directed by a higher-ranking officer,

b) Crimes in progress,

c) Officers needing assistance,

- d) Incidents requiring stabilization until the arrival of assigned officers,
- e) When being summoned or flagged down by citizens,
- f) Robbery or Panic Alarm calls,
- g) Incidents where injuries requiring first-aid may exist, AND
- h) other incidents where immediate police response is advantageous.

5. The Police Chief, Division Commanders, and Lieutenants who are using their assigned police vehicle while off-duty for Personal Use must be available to respond to the Police Department headquarters as required or directed by directive, policy, or direction of the Police Chief.

6. When an Officer responds as required above, he/she is to immediately notify the dispatcher that they are responding. The Officer shall then take instructions from the on-duty supervisor who has responsibility for the specific call necessitating the response.

- a) An Officer who responds to an incident, as required herein, will be compensated consistent with Department and City policies.
- b) A voluntary, spontaneous off-duty response will not be considered a "call-out" for purposes of determining compensation.
- c) Supervisors are to quickly determine whether the services of off-duty responding Officers at an incident are required after stabilization has been achieved by regularly assigned on-duty Officers. Once stabilization has been achieved, the off duty responding Officers should be dismissed.

7. Officers who become involved in off-duty police action are expected to follow the guidelines set forth in the Off-Duty Law Enforcement Actions policy.

8. Aside from other City employees, only an officer's immediate family members may ride in an assigned police vehicle during off-duty Personal Use. All such passengers must obey all Utah State laws and local ordinances.

9. When an off-duty Officer is responding to an incident as required herein, he/she shall have all non-Authorized Passengers alight from the vehicle in a safe manner and at safe location prior to responding.

- a) Under no circumstances are off-duty Officers to become involved in pursuits or Code 3 runs if there are non-Authorized Passengers in the vehicle.

General Operating Rules

1. Under no circumstances should a police vehicle be driven by an employee who has consumed an alcoholic beverage within the previous six hours, or while the employee has a BAC (as determined by a portable breathalyzer or other suitable test) of 0.02 or greater.
2. An alcoholic beverage, opened or unopened, may not be kept, transported, or consumed in a police vehicle. However, an alcoholic beverage seized as evidence may be transported as necessary to be deposited into evidence.
3. In the event that an Officer will be absent from their home more than five (5) consecutive calendar days, the assigned vehicle shall be stored at designated City facilities.
4. Officers who are suspended from the Department shall immediately return any vehicle assigned to them at the time of suspension.
5. While driving a police vehicle on or off-duty, Officers are to conduct themselves in a manner consistent with the decorum one would expect from a Provo Police Officer.
6. All police vehicles are to be always operated in accordance with applicable law and consistent with department regulations.
7. Officers are not to allow the vehicle's fuel level to fall below $\frac{1}{4}$ quarter full.
8. Heavy or bulky personal cargo, equipment, tools, etc., and personal trailers are not to be transported in or by police vehicles.
9. The person to whom a vehicle is assigned is responsible for the care, cleanliness, maintenance, and repair of the vehicle. All maintenance and repairs should be conducted as directed by the City's the Fleet Manager. Employees are not authorized to alter, remove, or add vehicle equipment without approval of the City's Fleet Manager.
10. Except in an emergency or mutual aid situation, only a Provo Police Officer or Provo City Employee may drive a police vehicle.
11. When the assigned police vehicle is not in use, it is to be secured, legally parked at the Officer's residence, and all firearms must be removed from the vehicle.

12. Officers shall notify the Police Chief of any change in their home address prior to such change. Failure to do so may result in the loss of the assigned vehicle for off-duty Personal Use, including commuting, and/or other disciplinary measures deemed appropriate by the Police Chief.

Policy 705 Naloxone (Narcan) Administration Protocols

705.1 PURPOSE

To establish guidelines regarding the utilization of nasal Naloxone in order to reduce the number of fatalities which occur as a result of opiate overdose by the proper pre-hospital administration of nasal Naloxone (brand named NARCAN).

705.2 SCOPE

The Provo Police Department will train and equip select members to prepare for opiate overdose emergencies. The Department will keep and maintain a professional affiliation with a Medical Review Physician (referred as the MRP), for medical oversight for the use and emergency administration of Naloxone. The Medical Review Physician shall be licensed to practice medicine within the State of Utah. The Medical Review Physician, at his or her discretion may make recommendations to the policy.

705.3 DEFINITIONS

Opiate -An opiate is any controlled substance containing or compounded to be a derivative of morphine, morphine sulfate. The term opiate describes any of the narcotic opioid alkaloids found as natural products in the opium poppy plant, *Papaver somniferum*. Commonly encountered opiates in police service include heroin, morphine, oxycontin, percocet, and percodan.

Naloxone -Naloxone is an opioid antagonist drug. Naloxone is a drug used to counter the effects of opiate overdose, for example, a heroin or morphine overdose. Naloxone is specifically used to counteract life threatening depression of the central nervous system and respiratory system. It is marketed under various trademarks including NARCAN, Nalone, and Narcanti, and has sometimes been mistakenly called "naltrexate". It is not to be confused with naltrexone, an opioid receptor antagonist with qualitatively different effects, used for dependence treatment rather than emergency overdose treatment.

Medical Control Physician - The Medical Control Physician, herein after referred to as MCP, shall be a designated Medical Doctor who is licensed to practiced

medicine in Utah. The Provo Police department shall maintain an affiliation with the MCP. The Chief of Police or his designee shall periodically consult with the MCP to review overall training, equipment, procedures, changes to applicable laws and regulations and/or the review of specific medical cases. At their discretion, the MCP may participate in training members of the Provo Police Department.

705.4 LEGAL PREMISE FOR IMPLEMENTATION

The Provo Police department relies upon the following: The Department shall approve training programs for select Police Officers in the use of Naloxone or other opioid antagonist approved by the Department that meet the following requirements:

A Medical Review Physician has approved the specific training program; and

The training program meets the minimum standards established by the Department. Also.

UCA 26-55-104 (1) (a) which states in part "a person other than a health care facility or health care provider who acts in good faith to administer an opiate antagonist to another person whom the person believes to be suffering an opiate-related drug overdose event is not liable for any civil damages or acts or omissions made as a result of administering the opiate antagonist" The statute imposes no limitation on who may possess and administer Narcan [naloxone]. The statute further indicates that Narcan [naloxone] must be obtained with a prescription and administered in good faith [paraphrased].

UCA 26-55-104 (2) which states in part "a health care provider who is licensed to prescribe or dispense an opiate antagonist may, without a prescriber-patient relationship, prescribe or dispense an opiate antagonist without liability for any civil damages or acts or omissions made as a result of prescribing or dispensing an opiate antagonist in good faith. to: (b) a family member or friend or other person who may be in a position to assist an individual who may be at increased risk of experiencing or who is likely to experience an opiate-related drug overdose event."

UCA 58-31b-703 Opiate antagonist -- Exclusion from unprofessional or unlawful conduct states in part, "The provisions of this section and Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, do not establish a duty or standard of care in the prescribing dispensing, or administration of an opiate antagonist."

705.5 EQUIPMENT

Nasal Naloxone kits will be issued to select sworn Provo Police Officers. Kits should be available for use during on-duty hours. Injectable Naloxone kits will be issued to K9 officers for use on K9s.

705.6 NALOXONE USE

When using the nasal Naloxone kit officers will maintain officer safety practices and utilize universal precautions. Officers will perform patient assessment; determine unresponsiveness, absence of breathing and or pulse. Officer(s) will update the Dispatcher that the patient is in a potential overdose state. If possible, officer(s) shall notify dispatch of their intent to administer Naloxone, and request a Fire Department medical response. Officers will remain with patient until care is transferred to Fire Personnel. A Spillman law report will be completed documenting that a dose of Naloxone was administered listing the circumstances surrounding the deployment. The report will include the paramedic unit that responded and shall be completed prior to the end of the officer's shift.

705.7 REPLACEMENT

Additional doses of Naloxone will be stored and secured within the Quartermaster's Office. After administering a dose, the employee will respond to the Quartermaster for a replacement. The employee will complete the Naloxone Administration Report Form at the Quartermaster.

705.8 NALOXONE COORDINATOR

The Operational Support Division Commander is designated as the Naloxone Coordinator, and shall be responsible for the following:

Ensuring the Naloxone is current and not expired.

Proper and efficient deployment of Naloxone for Provo PD officers.

Replacement of any Naloxone that is damaged, unusable, expired or deployed.

Ensuring all personnel who will administer nasal Naloxone has received appropriate training in Naloxone administration.

Ensuring that any deployment of Naloxone to a subject will have a corresponding police report documenting such deployment.

Report to the medical review physician, which reports may be reviewed and debriefed monthly.

705.9 STORAGE

Naloxone may be damaged by extreme temperatures, both high and low. Due to this fact, consideration should be given to (i) storing the Naloxone in the interior of a patrol car when extreme temperatures exist, and (ii) removing the Naloxone from the patrol car and storing it inside the Provo PD offices after a shift is completed. Officers should carry the Naloxone kits on their person during their shift.

Policy 801 Communications Operations

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 Department during its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the Provo City Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between the Dispatch Center and department 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 operation manual for the Dispatch Center.

Access to the Dispatch Center shall be limited to the Dispatch Center members, the Watch Commander, command staff and department members with a specific business-related purpose.

801.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as assignment and officer identification numbers. Employees should use the entire call sign 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 vehicle. Employees

initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile vehicle and dispatcher once the mobile vehicle has been properly identified.

801.4 RESPONSIBILITIES

801.4.1 COMMUNICATIONS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Support Services Division Commander, Lieutenant or the authorized designee.

The responsibilities of the Communications Supervisor include, but are not limited to:

Overseeing the efficient and effective operation of the Dispatch Center in coordination with other supervisors.

Scheduling and maintaining [dispatcher] time records.

Supervising, training, and evaluating [dispatcher]s.

Ensuring the radio and telephone recording system is operational.

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

Processing requests for copies of the Dispatch Center information for release.

Maintaining the Dispatch Center database systems.

Maintaining and updating the Dispatch Center procedures manual.

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

Ensuring [dispatcher] compliance with established policies and procedures.

Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

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

801.4.2 ADDITIONAL PROCEDURES

The Communications Supervisor should establish procedures for:

Recording all telephone and radio communications and playback issues.

Storage and retention of recordings.

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

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

Assignment of field members and safety check intervals.

Emergency Medical Dispatch (EMD) instructions.

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

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

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

Handling misdirected, silent and hang-up calls.

Handling private security alarms, if applicable.

Radio interoperability issues.

801.4.3 DISPATCHERS

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

Receiving and handling all incoming and transmitted communications, including:

Emergency 9-1-1 lines.

Business telephone lines.

Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).

Other electronic sources of information (e.g., text messages, digital photographs, video).

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

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

Monitoring department video surveillance systems.

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

Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:

Vehicle pursuits.

Foot pursuits.

Assignment of emergency response.

801.5 CALL HANDLING

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

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

Where?

What?

When?

Who?

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.

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 department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department 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 police radio system is for official use only, to be used by dispatcherS to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

Officers acknowledging the dispatcher with their radio identification call signs and current location.

DispatcherS acknowledging and responding promptly to all radio transmissions.

Officers keeping the dispatcher advised of their status and location.

Officers 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 complainant's supervisor and processed through the chain of command.

801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Provo City Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

801.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department 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 department member by his/her call sign. Officers 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 department member. Officers initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department/office 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 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 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 DMV records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

All access to BCI protected records will be conducted for official police business only.

Policy 802 Property and Evidence

802.1 PURPOSE AND SCOPE

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

802.2 DEFINITIONS

Definitions related to this policy include:

Cohabitant - A person who is 18 years old or older, who resides in the same residence as the owner cohabitant, and is any of the following (Utah Code 53-5c-201):

Living as if a spouse of the owner cohabitant.

Related by blood or marriage to the owner cohabitant.

Has one or more children in common with the owner cohabitant.

Has an interest in the safety and well-being of the owner cohabitant.

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

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

Owner cohabitant - A person who owns, in whole or in part, a firearm and is related to a cohabitant as described in Utah Code 53-5c-102.

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

Safekeeping - Includes the following types of property:

Property obtained by the Department for safekeeping such as a firearm.

Personal property of an arrestee not taken as evidence.

Property taken for safekeeping under authority of a law.

802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly packaged, tagged, and placed in a

temporary evidence/property storage unit along with the proper property sheet. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The Property Form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property should observe the following guidelines:

Complete the property table in Spillman describing each item of property separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

Complete an evidence/property tag and attach it to each package or envelope in which the property is stored. A copy of the Law Incident Table or property sheet shall be placed with the property in the temporary property locker or turned in to the evidence room if property is stored somewhere other than a property locker.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately attaching a copy of the Law Incident Table. Paraphernalia as defined by Utah Code 58-37a-3 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by a copy of the Law Incident Table or property sheet.

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. 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 that are known or suspected to be armed or live, other than fixed ammunition should not be retained in the police facility. Potentially volatile fireworks will be released to a member of the EOD team for disposal or storage. Special exceptions will be handled on a case-by-case basis.

802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

Bodily fluids such as blood or semen stains shall be air dried prior to booking and should always be packaged in paper or cardboard. Bio-hazard tags will be placed on the package.

License plates found not to be stolen or connected with a known crime should be released directly to the property and evidence technician or placed in the temporary evidence/property storage unit for return to the Utah Division of Motor Vehicles. No formal property booking process is required.

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

All cash shall be counted in the presence of another officer and the envelope initialed by the booking officer and the witness officer.

Fragile items will be secured in bubble wrap and then placed in the appropriate packaging before being submitted to evidence storage.

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

802.3.5 FIREARMS SAFE HARBOR ACT

Officers shall accept a firearm for safekeeping from any cohabitant or owner cohabitant who requests it, and who believes that the owner cohabitant or another

cohabitant with access to the firearm is an immediate threat to him/herself, to the owner cohabitant, or any other person (Utah Code 53-5c-201).

The officer receiving the firearm shall:

Record the owner cohabitant's name, address, and telephone number.

Record the firearm's serial number and the make and model of each firearm received.

Record the date that the firearm was accepted for safekeeping.

If the firearm was received from a cohabitant, require that the cohabitant sign a document attesting that he/she resides in a home with the owner cohabitant.

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 property and 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 cohabitant or 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 owner (Utah Code 53-5c-201). If the person who committed the firearm for safekeeping cannot be located, the Department shall, after one year, dispose of the firearm in accordance with Utah Code 24-3-103.5 (Utah Code 53-5c-202).

If a firearm received under the Act is determined to be illegal to possess or to own, the property and evidence technician shall confiscate and book the firearm according to current procedures, notify the person who requested that the firearm be taken for safekeeping of its confiscation, and dispose of the firearm in accordance with Utah Code 24-3-103.5 (Utah Code 53-5c-202).

The property and evidence technician shall destroy any record created exclusively to document the safekeeping of the firearm as soon as practicable but no later than five days after releasing the firearm to the owner cohabitant or other authorized person, or of otherwise disposing of the firearm under the Utah Firearms Safe Harbor Act (Utah Code 53-5c-201).

The property and evidence technician should promptly contact City council for assistance with a proper disposition when a non-owner cohabitant surrendered a firearm and an owner cohabitant at any time requests its return.

802.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

Narcotics and dangerous drugs.

Firearms (ensure they are unloaded and booked separately from ammunition).

Property with more than one known owner.

Paraphernalia as described in Utah Code 58-37a-3.

Fireworks.

Contraband.

802.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, 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.

802.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated evidence locker, accompanied by a copy of the Law Incident Table or property sheet. Prior to packaging, and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial and date the seal of the sealed baggie. Pills/capsules shall be packaged separately from their containers with the proper count listed on the Property Report Form. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container.

802.4.3 PACKAGING OF FIREARMS

All gun safety rules shall be followed in the handling, packaging, and submitting of firearms to evidence. All seized firearms will be rendered safe prior to packaging. If an officer is unfamiliar with the manner rendering a firearm safe, then the officer should seek the assistance of a member of the Firearms Training Staff.

Ammunition shall be packaged separate from the firearm.

Firearms and ammunition shall be properly packaged, tagged and placed in a temporary evidence/property storage unit prior to the officer going off duty.

The make, model, serial number, caliber and any other marking should be clearly written on the outside of the sealed gun box.

802.5 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored in the evidence/property tracking system.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property.

Any changes in the location of property held by the Provo City Police Department shall be noted in the evidence/property tracking system.

Evidence/property requiring added security, to include money, precious metals, jewelry, gemstones, firearms, narcotics, and dangerous drugs shall be placed in a separate secure storage.

Money will be counted by the evidence technician and evidence technician supervisor and deposited into a special bank account that is approved by the City Finance Department. Monies seized for forfeiture will be deposited in a separate bank account from other accounts. The only exception will be monies that are physically needed for court proceedings.

802.6 PROPERTY CONTROL

Each time the property and evidence technician receive property or releases property to another person, he/she shall enter this information in the evidence/property tracking system. Officers desiring property for court shall contact the property and evidence technician at least one day prior to the court date.

Members of this agency who assume custody of evidence from the evidence room shall be responsible for ensuring its security, proper storage, and maintenance, and for the ready retrieval of such evidence upon demand.

Controlled substances used for training or investigative purposes shall be secured in the evidence storage room. If controlled substances need to be checked out for training, it must be authorized by the Chief of Police.

The person signing out the controlled substance, with the assistance of a evidence/property technician, must document the following information on a sign out sheet prior to removing the substance from the evidence room.

1. Name of the person signing out the substance.
2. The type of substance signed out.
3. Date the substance is signed out.
4. The weight of the substance or number of pills, if applicable, at the time the substance is signed out.

After the training or investigation is completed, the remainder of the substance is to be turned back into the evidence/property technician with the current weight or number of the substance documented on the sign out sheet.

802.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry shall be properly completed into the evidence/property tracking system to maintain the chain of custody.

Request for analysis of evidence shall be emailed to the property and evidence technician. This request may be filled out any time after booking of the property or evidence.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property using the evidence/property tracking system indicating the date and time on the property control card and the request for laboratory analysis.

802.6.3 STATUS OF PROPERTY

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

The evidence technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to evidence storage or properly released to another authorized person or entity.

The return of the property should be recorded in the evidence tracking system, indicating date, time and the person who returned the property.

802.6.4 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 authorizing supervisor or case officer 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 in the evidence tracking system.

If property is to be released to someone other than the owner at the owner's request, then a notarized letter from the owner authorizing the release to a particular person is required. In cases involving firearms, both the owner and the person authorized to receive the gun must pass the criminal history background check.

Except for firearms and other 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 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):

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.

Post a similar notice in a public place designated for notice within the law enforcement agency.

Post a similar notice on the City public website of the Provo City Police Department.

The final disposition of all such property shall be fully documented in the evidence/property tracking system.

A property and 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. After release of all property entered in the evidence/property tracking system, the case information shall be scanned into the Workday system.

802.6.5 DISPUTED CLAIMS TO PROPERTY

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

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

802.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding and held for 100 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of an authorized release for disposal. The property room supervisor shall request a disposition or status on all property which has been held more than 120 days and for which no disposition has been received from a supervisor.

When no longer needed for evidentiary purposes, all evidence, with the exception of firearms, narcotics, dangerous drugs, and other contraband, shall be returned to its lawful owner unless title to the evidence is transferred to this or other

jurisdictions by court order. If the lawful owner fails to claim the evidence, the agency may, as permitted under state law,

1. Destroy it.
2. Dispose of it by public auction.
3. Retain it for use by the jurisdiction.

Firearms and other non-drug contraband shall be physically destroyed unless, Court order authorizes use of the item by this agency: or the firearm is required by state law to be returned to its lawful owner.

Every effort must be made to ensure the person receiving the firearm or other weapon is not prohibited from possession. Before the return of any ammunition or deadly weapon to an owner, the releasing officer, and the evidence/property technician will utilize both the local and national databases to ensure that there are no active court orders or other legal constraints that prohibit the owner from possessing a deadly weapon.

In cases where a firearm and ammunition are to be released to an owner, ammunition will not be released at the same time to ensure the safety of all individuals involved in the release.

If the weapon is being released to an individual other than the registered owner, the officer or evidence/property technician shall have the serial number of the weapon run through NCIC before releasing the weapon.

The evidence/property technician will conduct an ATF eTRACE to determine latest information as to ownership. If the eTRACE shows a different owner than the person requesting return of the firearm, the officer will make effort to determine actual current ownership. If ownership cannot be determined, then the firearm may be returned to the individual from whom the firearm was seized if that individual may legally possess a firearm.

If any of the databases are unavailable the weapon will not be released and the owner will be asked to obtain the item at a later time.

The evidence/property technician will document what databases and efforts were utilized in determining the owner was not a person prohibited from possessing a deadly weapon or ammunition. The NCIC status of the weapon shall also be documented.

Destruction of evidence/property will be conducted by the Evidence technician, and will be accompanied by an armed police officer or reserve police officer who will transport the firearms to a destruction facility and shall witness the destruction of each weapon. Destruction of evidence no longer needed, will be destroyed only upon written approval of the proper prosecuting attorney and the case detective/officer.

802.7.1 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

Animals, birds, and related equipment that have been ordered forfeited by the court.

Counterfeiting equipment

Gaming devices

Obscene matter ordered to be destroyed by the court.

Altered vehicles or component parts.

Narcotics (Utah Code 58-37-2 et seq.)

Unclaimed, stolen, or embezzled property

Destructive devices

802.7.2 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 Department shall notify the person who turned the money over to the local law enforcement agency. Any person employed by a law enforcement agency who finds or seizes money may not claim or receive the money (Utah Code 77-24a-5(2)(a)).

802.7.3 PRESERVATION OF BIOLOGICAL EVIDENCE

The evidence/property technician shall ensure that no sexual offense or death related biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

The case officer.

The appropriate prosecutor

The case officer shall be responsible to notify the sexual assault victim.

Biological evidence related to a homicide and sexual felony crimes punishable by minimum mandatory penalties shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

If the evidence relates to an unsolved sexual offense, the victim shall be notified at least 60 days prior to destruction and provided with information on how to appeal the decision (Utah Code 77-37-3(3)).

802.7.4 PROPERTY NO LONGER NEEDED AS EVIDENCE

When a prosecuting attorney notifies the Department that evidence may be returned to the rightful owner, the property and evidence 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:

Documentation establishing ownership of the property.

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 Department. A copy of the receipt shall be provided to the owner.

If the Department is unable to locate the rightful owner or the rightful owner is unable to lawfully possess the property, the Department may dispose of the property as provided by Utah Code 24-3-103.

If a court orders extraction and return of personal digital data from a computer determined to be contraband, the Department shall determine reasonable cost to provide the data, which shall be paid by the owner at the time the request is made (Utah Code 24-3-103).

The Department shall dispose of confiscated or unclaimed firearms as provided by Utah Code 24-3-103.5.

802.8 INSPECTIONS OF THE EVIDENCE ROOM

On a monthly basis, the supervisor of the evidence custodian shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

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

An annual inventory of evidence held by the Department shall be conducted by the property room supervisor and an evidence technician.

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(s) not associated with the property room or its functions to ensure that records are correct, and all evidence and property is accounted for. The combination to the key lock box for the evidence room should also be changed at this time.

802.9 ADMITTANCE TO EVIDENCE ROOM

Admittance to the Evidence Room should be restricted to the evidence custodian(s), the evidence supervisor, and others specifically designated by the Chief of Police. All other individuals entering the Evidence Room require escort and an Evidence Room access log entry shall be made indicating:

Date and time of entry and exit.

Name of individual(s) entering the Evidence Room.

Reason for entry.

Name of the escort.

Policy 805 Records Maintenance and Release

805.1 PURPOSE AND SCOPE

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

805.2 POLICY

The Provo City Police Department is committed to providing public access to records in a manner that is consistent with the Utah Government Records Access and Management Act (GRAMA) (Utah Code 63G-2-101 et seq.).

805.3 RECORDS OFFICER RESPONSIBILITIES

The Chief of Police shall designate a Records Officer. The responsibilities of the Records Officer include, but are not limited to:

Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

This includes performing the duties specified for governmental entities under the Public Records Management Act (Utah Code 63G-2-307).

This includes the maintenance and destruction of imaging surveillance data as required by Utah Code 77-23d-105.

Maintaining and updating the department records retention schedule including:

Identifying the minimum length of time, the Department must keep records.

Identifying the division responsible for the original record.

Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

The Records Officer shall be responsible for filing a statement with the state archivist explaining the reasons a record series that is designated as private or controlled under GRAMA is being collected or used by the Department (Utah Code 63G-2-601).

Establishing rules regarding the processing of subpoenas to produce records.

Ensuring a current schedule of fees for public records as allowed by law is available (Utah Code 63G-2-203).

Forwarding requests to the appropriate agency when a requester seeks records that are not in the possession of the Department (Utah Code 63G-2-204).

805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

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

805.4.1 REQUESTS FOR RECORDS

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

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

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.

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/video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

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

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

Unless the Records Officer is prohibited by law from releasing the requested record; extraordinary circumstances exist, as defined in Utah Code 63G-2-204; or the request is submitted by or on behalf of a person confined in a jail or other correctional facility, the record shall be released.

If the existence of extraordinary circumstances precludes approval or denial of the request within the time permitted under law, additional time may be granted.

Requests made by or on behalf of a person in jail or another correctional facility for a record that contains a specific reference to the individual so confined may be released up to five times per calendar year. This restriction does not apply to requests submitted by an attorney of the individual (Utah Code 63G-2-201).

If the Records Officer denies a request, a notice of denial shall be sent to the requester. The notice shall contain a description of the record denied, the legal

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

805.4.2 APPEALS

The denial of a request for records by the Records Officer may be appealed to the Mayor within 30 days. Upon receipt of a notice to appeal, the Mayor must review and make a determination within 5 business days. If a determination is not made within the specified time frame, the appeal shall be considered denied. If the Mayor 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, if established) (Utah Code 63G-2-401).

805.5 RELEASE RESTRICTIONS

Examples of release restrictions include, but are not limited to:

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).

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

Personnel records (Utah Code 63G-2-302; Utah Code 63G-2-303).

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

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).

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

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

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

Certain types of reports involving, but not limited to, child abuse and neglect (Utah Code 62A-4a-412).

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

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

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

Certain data collected by an unmanned aircraft system (Utah Code 72-14-204).

Any other information that may be appropriately denied by:

Utah Code 63G-2-302 (private records).

Utah Code 63G-2-303 (private information of government employees).

Utah Code 63G-2-304 (controlled records).

Utah Code 63G-2-305 (protected records).

805.6 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 Officer 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 [District/County Attorney], City 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 Department so that a timely response can be prepared.

805.7 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 department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

805.8 EXPUNGEMENT

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

The Records Bureau will be responsible to see that all records enumerated in the expungement order are deleted from the police department computer system. The expunged files and court order are to be stored electronically in SIRE with only the records supervisor having access to them unless the retention schedule has been met, in which case they are deleted.

No one is authorized to review expunged records without written authorization from the court having ordered the expungement.

805.9 TRAINING

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

805.10 REPORTING CRIME STATISTICS

Unified Carrier Registration (UCR) codes shall be assigned to all crime reports in accordance with the National Incident-Based Reporting System (NIBRS). It is the responsibility of the Records Section personnel to enter such information into the Provo Police Department data system and ensure that such information is transmitted on a regular basis (annually) to Utah Bureau of Criminal Identification (BCI).

Policy 806 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 Provo City Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Provo City Police Department 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 databases that is not accessible to the public.

806.2 POLICY

Members of the Provo City Police Department 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 Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and the Utah Criminal Justice Information System (UCJIS).

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.

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.

Developing procedures to ensure training and certification requirements are met.

Resolving specific questions that arise regarding authorized recipients of protected information.

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, Provo City Police Department 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.

806.4.1 PENALTIES FOR MISUSE OF RECORDS

Misuse of access to criminal history record information is a class B misdemeanor (Utah Code 53-10-108).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

806.5 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 (Utah Code 53-10-108).

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 Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department 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 Bureau to ensure proper documentation of the release (see the Records Maintenance and Release).

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 officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

806.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

Developing and maintaining security practices, procedures, and training.

Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.

Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

806.6.1 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).

This also includes prohibiting any member who obtains access to an intimate image (as defined in state law) in the course of a criminal action from displaying, duplicating, copying, or sharing the intimate image unless done solely for the investigation of a criminal matter.

806.7 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.

Policy 808 Animal Control

808.1 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.

808.2 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

Animal-related matters during periods when Animal Control is available.

Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

Follow-up on animal-related calls, such as locating owners of injured animals.

808.3 MEMBER RESPONSIBILITY

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

There is a threat to the public safety.

An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

An animal is creating a traffic hazard.

An animal is seriously injured.

The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

808.4 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. Deceased animals may be removed from private property upon request of the property owner.

808.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of an employee of the Department, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a Doctor of Veterinary Medicine as described below.

1. During normal business hours, the animal should be taken to an authorized veterinary care clinic.
2. If after normal business hours, the animal should be taken to the authorized veterinary emergency clinic.
3. The only exception to the above is when the animal is an immediate danger to the community, or the owner of the animal is identified and takes responsibility for the injured animal.
4. With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Before destroying the animal, the officer shall obtain the judgment to the effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence or shall obtain consent to the destruction from the owner of the animal. However, if the officer is in a location or circumstance where the officer is unable to contact another person, the injured animal may be destroyed (Utah Code 76-9-305(3)).
 - a. When the need to kill a seriously injured or dangerous animal is necessary by use of a firearm, the Department Firearms and Qualification Policy shall be followed.
 - b. When the need to kill a seriously injured or dangerous animal is necessary by use of a chemical euthanasia, the ACO must be currently trained and certified in its use.
 - c. If the animal is euthanized using chemical euthanasia (Euthasol or other approved euthanasia chemicals), the date, amount of euthanasia used, type of animal euthanized, and amount of chemical remaining in the bottle will be logged.
 - d. The decision to dispose of a seriously injured animal will rest with the on-duty Watch Commander, field supervisor or ACO supervisor.
5. Injured wildlife should be referred to the Humane Society of Utah or Utah Division of Wildlife Resources as applicable. The Humane Society will not pick up common pigeons (red legs), starlings, bats, or skunks.
6. When handling dead or injured animals Department employees shall attempt to identify and notify the owner of the final disposition of the animal.

7. Captured bats will be transported to the State Health Department for rabies testing when needed. The bats shall be transported for testing within 24 hours of being captured.

8. Each incident shall be documented, at minimum, to include the name of the reporting party and veterinary hospital and/or person to whom the animal was released. If the ACO is off duty, the information will be forwarded for follow-up.

808.6 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Utah Code 76-9-301 et seq.

An investigation should be conducted on all reports of animal cruelty.

Legal steps should be taken to protect an animal that needs immediate care or protection from acts of cruelty.

808.7 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. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

808.8 STRAY DOGS/CATS

If the dog/cat has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog/cat should be released to the owner and a citation may be issued, if appropriate. If a dog/cat is taken into custody, it shall be transported to the appropriate shelter/holding pen. In no case will a member release a dog/cat unless it is to the shelter or owner of the animal.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter). The animal Pick-Up form must be completely filled out and placed in the ACO box.

808.9 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the field supervisor or Watch Commander will be contacted to determine available resources, including

requesting the assistance of animal control services from an allied agency. Requests for after-hours ACO services must be approved by a field supervisor or Watch Commander.

808.10 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. Officers shall obtain and forward to ACO, as much information as possible regarding the nature of the complaint, complaining person, owner information, location of the problem, actions taken and related report numbers.

808.11 USE OF TRANQUILIZER GUN

The tranquilizer gun may be used by an Animal Control officer who has proven his proficiency in the use of a tranquilizer gun to the satisfaction of the Patrol Division Commander, has taken a sanctioned tranquilizer gun course and when all of the following criteria exists:

1. That the animal to be fired at presents an immediate or possible hazard.
2. All other means of capturing the animal have been exhausted.
3. The use of the device presents no danger to humans.
4. The ACO is currently trained and certified to use the tranquilizer gun.
5. The senior animal control officer or if he is unavailable, then a police patrol field supervisor, shall specifically approve the use of the device and is to be present during its use. The approving supervisor, following the use of the device, shall make a complete and detailed written report of the incident to the Patrol Division Commander.

After the device has been used, it shall be the responsibility of the senior animal control officer or field supervisor to see that every effort is made to recover the animal fired upon and the dart. It is essential that the dart be recovered as it contains a highly dangerous chemical and could cause serious and permanent physical impairment or death.

The tranquilizer gun may not be used if all the above criteria have not been met.

808.12 STORAGE AND ACCOUNTABILITY OF TRANQUILIZER AND EUTHANASIA CHEMICALS

It is the policy of the Animal Control Division of the Provo Police Department to perform euthanasia in the most humane method possible as necessary for the control of the pet population, to protect the community or to humanely end the suffering of an animal.

1. Euthanasia of animals is only to be performed by a Euthanasia Certified Animal Control Officer.
2. Euthanasia or tranquilizer drugs will only be possessed, stored, or used by certified ACO officers.
3. Documentation of certifications and training will be maintained by the Provo PD Training Department.
4. When an animal needs to be euthanized, the following protocol is to be used:

Wildlife -Wild animals to include raccoons, squirrels, skunks, or others that are determined by an animal control officer to be sick, injured, too young and/or unable to be rehabilitated shall be euthanized in the following manner:

- a. Euthanized with Somna-sol - administration will be through intracardiac, intraperitoneal, or intravenous method. The officer shall have the discretion on which method to use; however, officer safety and humane treatment of the animal are priorities.

Domestic Dogs and Cats - If a domestic dog or cat is wounded in such a manner that it is the opinion of the Animal Control Officer it will not survive and there are no identification tags or microchip the animal shall be euthanized.

- a. Euthanized with Somna-sol - administration will be through intracardiac, intraperitoneal, or intravenous method. The officer shall have the discretion on which method to use; however, officer safety and humane treatment of the animal are priorities.

- b. Domestic dog/cat bodies will be placed in a plastic bag in the freezer at the South Utah Valley Animal Shelter. If the animal will be tested for rabies, the body will be placed in a plastic bag and transported to the Health Department for testing. Wildlife will be disposed of at the Transfer Station.

Ordering, Storage and Tracking of Euthanasia and Tranquilizer Drugs

1. Somna-sol will be used to euthanize animals.

2. Ketamine will be used in the tranquilizer gun.
3. Ordering the euthanasia and ketamine drug will be done by the Animal Control Supervisor Jayson Swenson from the following Veterinarian:

Dr. Vaughn R Park DVM

Park Animal Hospital & Pet Resort

1615 So. State Street

Provo, UT 84606 (801) 374-0622

4. A DEA Form 222 will be completed for all orders.
5. Each animal control officer is required to log the usage of the drugs. The log book must include; Date, Species, Case Number, Dosage Used and Quantity Remaining.
6. A quarterly inspection of the animal control officer's logbook will be conducted by the Animal Control Supervisor.
7. Failure to maintain an accurate log will result in disciplinary action up to and including termination. Euthanasia chemicals will be always stored in a secure location.
8. The supervisor of the Animal Control Officer(s) shall conduct periodic inspections of all tranquilizer and euthanasia chemicals.

808.13 ANIMAL CARCASS DISPOSAL

All animal carcasses are to be disposed of at the South Utah Valley Waste District facility unless otherwise directed by the Utah Division of Wildlife Resources or the carcass is released for rabies testing.

The ACO, or any other department employee, may not retain for personal use any animal carcass or part of any animal carcass. The antlers of certain deceased wildlife animal must be reported to the Division of Wildlife Resources as required by DWR.

808.14 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. A badly injured animal shall only be euthanized with the approval of a

supervisor. Euthanasia of animals is only to be performed by a Euthanasia Certified Officer.

Policy 900 Custodial Searches

900.1 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 Provo City Police Department facility. Such items can pose a serious risk to the safety and security of department 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.

900.1.1 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.

Strip search - A search that requires an individual to remove or rearrange some or all 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.

900.2 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.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer 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 department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If practicable, the search should be captured on either a body camera or an in-car camera system. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

Firearms, other weapons, and control devices shall not be permitted in secure areas where individuals are in custody or are being processed. Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraint Policy until transferred into the custody of the Utah County Jail.

900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Provo City Police Department 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.

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.

900.4.1 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.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description.

900.4.2 VERIFICATION OF MONEY

When possible, money should 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 department 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.

900.5 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

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.

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.

Personnel of the same sex as the arrested person will conduct the search (unless the search is conducted by a medical practitioner),

No strip search shall occur 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.

Officers are prohibited from conducting body cavity searches.

900.6 ESCAPE FROM CUSTODY

In the event a prisoner escapes from custody, the officer shall do the following:

Immediately notify Dispatch about the escape, to include a description of the arrestee, direction of travel, known violence, pending charges (other than escape).

Evaluate the situation and use discretion before pursuing the suspect alone.

Notify the shift supervisor of the situation, and initiate steps to locate the individual.

If the arrestee is apprehended, a complete and detailed report will be completed and forwarded to the shift supervisor.

If the arrestee is not apprehended, a complete and detailed report should be submitted to the appropriate court for a warrant request.

Policy 1001 Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Provo City Police Department 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 Department 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 non-sworn supervisory personnel shall receive training from their Division Commander that includes instruction on the completion of performance evaluations prior to conducting any performance evaluations.

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 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. Anything contested in the evaluation will be reviewed with the officer's immediate supervisor which will be forwarded through the chain of command for review.

1001.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered in the Reserve Officers Policy.

1001.4 FULL-TIME SWORN PERSONNEL

Employees are subject to two types of performance evaluations:

Probationary Performance Evaluations - A new hire sworn employee, will be evaluated after 3, 6, and 9 months of employment.

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on 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.

1001.4.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows.

Exceptional- Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Expectations - 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.

Successfully Meets Expectations - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Room for Improvement - Is a level of performance less than that expected of a fully competent employee and less than 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 to make suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the Rater Comments section.

1001.5 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 just 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. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.5.1 DISCRIMINATORY HARASSMENT

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City harassment and discrimination policies.

If the employee has expressed any questions or concerns in the evaluation comments, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

1001.6 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

Policy 1002 Promotion and Transfer

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Provo City Police Department.

1002.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

Present a professional, neat appearance.

Maintain a good physical condition which aids in their performance of the essential job functions.

Demonstrate the following traits:

Emotional stability and maturity.

Stress tolerance

Sound judgment and decision-making.

Personal integrity and ethical conduct.

Leadership

Initiative

Adaptability and flexibility.

Ability to conform to organizational goals and objectives in a positive manner.

1002.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

Special Enforcement Team member.

Detective.

Motor Officer.

Accident Investigator.

Field Training Officer.

Community Relations/Training Officer.

D.A.R.E. Officer

1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

Specified amount of experience as determined by the Administration on an individual assignment basis.

Off probation.

Has shown an expressed interest in the position applied for.

Education, training and demonstrated abilities in related areas, such as, enforcement activities, investigative techniques, report writing, public relations.

Completed any training required by POST or law.

1002.3 SELECTION PROCESS

The following criteria apply to transfers:

Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.

The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.

Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit a recommendation(s) to the Chief of Police.

Appointment by the Chief of Police.

This policy for all positions may be waived for temporary assignments, emergency situations or for training.

1002.4 PROMOTIONAL SPECIFICATIONS

Promotional opportunities within the Department will be advertised by a written agency-wide announcement. All qualified Department members who meet the minimum requirements and wish to apply for the position will be given the opportunity to do so. Each promotional announcement will include at a minimum: a) identification and description of the position or job classification, which is intended to be filled through promotion, b) a schedule of all elements of the promotional process, c) specification of the requirements for participation in the promotional process, d) description of the process to be used for testing, evaluation, and selection of personnel within the promotional process. All other specifications for promotional opportunities will be included in each promotional announcement.

Specifications for promotional opportunities are on file with the Provo Department of Human Resources.

Policy 1008 Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 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 Provo City Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Provo City Police Department 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.

1008.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

Exposure-prevention and decontamination procedures.

Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

The provision that department 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.

Evaluation of persons in custody for any exposure risk and measures to separate them.

Compliance with all relevant laws or regulations related to communicable diseases, including:

The mandates of the Utah Occupational Safety and Health Act (Utah Code 34A-6-102 et seq.; UAC R614-1 et seq.).

Reporting known or suspected cases of communicable diseases to the local health department (Utah Code 26-6-6; UAC R386-702-4).

Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

Exposure control mandates in 29 CFR 1910.1030 (UAC R614-1-4).

The ECO should also act as the liaison with the Utah Division of Occupational Safety and Health (Utah OSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 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; UAC R614-1-4):

Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.

Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

Using an appropriate barrier device when providing CPR.

Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

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.

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.

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.

Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 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; UAC R614-1-4).

Members shall also be screened for tuberculosis pursuant to the guidelines established by Utah OSHA (UAC R388-804).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

Obtain medical attention as appropriate.

Notify a supervisor as soon as practicable.

1008.5.2 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 (29 CFR 1910.1030; UAC R614-1-4):

Name and Social Security number of the member exposed.

Date and time of the incident

Location of the incident

Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

Work being done during exposure.

How the incident occurred or was caused

PPE in use at the time of the incident

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.

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; UAC R614-1-4).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

Whether the member has been informed of the results of the evaluation.

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.

1008.5.4 COUNSELING

The Department shall provide the member, and his/her family, if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; UAC R614-1-4).

1008.5.5 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:

Obtaining consent from the individual.

Requesting testing through the local health department (Utah Code 26-6-4).

Seeking a court order or warrant pursuant to Utah Code 78B-8-402.

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.

1008.6 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) (29 CFR 1910.1030; UAC R614-1-4; Utah Code 26-6-27). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; UAC R614-1-4):

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.

Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

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.

Policy 1009 Smoking and Tobacco Use

1009.1 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 Provo City Police Department 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.

1009.2 POLICY

The Provo City Police Department 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 Department and its members. Therefore, smoking and tobacco use is prohibited by members and visitors in all department facilities, building and vehicles, and as is further outlined in this policy (Utah Code 26-38-3).

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view, on duty, representing the Provo City Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities, buildings, and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of any entrance way, exit or operable window of any public building (including any department facility), all enclosed indoor places of public access, or in any buildings where restrictions on use of tobacco products are posted or provided by other means, whether the person is present for training, enforcement, or any other purpose (UAC R392-510-9).

Policy 1010 Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Provo City Police Department. 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.

1010.2 POST-DISCIPLINE APPEAL RIGHTS

An employee discharged or suspended without pay for more than three days or 24 working hours may, within five days from the issuance by the Chief of Police of

the order of suspension or discharge, appeal to the Civil Service Commission (Utah Code 10-3-1012; Utah Code 10-3-912).

The employee may appear in person and may have counsel and a public hearing. The findings and decision of the Civil Service Commission shall be final and immediately enforced by the Chief of Police.

Any final action or order of the Civil Service Commission may be appealed to the Court of Appeals within 30 days of the issuance of the final action or order of the Civil Service Commission (Utah Code 10-3-1012.5).

1010.3 POLICY

The Provo City Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department 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 memorandum of understanding or collective bargaining agreement.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.4 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

1010.4.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.4.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

Tort claims and lawsuits may generate a personnel complaint.

1010.5 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.5.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.5.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint 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 supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

1010.6 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1010.7 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.7.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigates any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The Chief of Police or any other supervisor who is made aware of an allegation against a certified peace officer or [dispatcher] employed by the Provo City Police

Department shall conduct an administrative or internal investigation and report substantiated allegations to the Division of Peace Officer Standards and Training (POST) within 90 days (Utah Code 53-6-211; Utah Code 53-6-309; UAC R728-409-18).

If an officer or [dispatcher] who is the subject of the investigation resigns, retires, or otherwise separates from the agency before the conclusion of the investigation, the Chief of Police shall report the allegations and any investigation results to POST (Utah Code 53-6-211; Utah Code 53-6-309).

The Chief of Police shall notify POST within 30 days of the termination of an officer occurring during an open internal investigation for an alleged violation of Utah Code 53-6-211(1).

If the Provo City Police Department receives credible allegations and opens an internal investigation within two years of the termination of an officer, the Chief of Police shall provide notice of the investigation to POST and an estimated date of completion within 30 days. If the allegations involve violations of Utah Code 53-6-211(1), whether they result in an internal investigation, the Chief of Police shall notify POST (Utah Code 53-6-209).

The responsibilities of supervisors include but are not limited to:

Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.

Responding to all complainants in a courteous and professional manner.

Resolving those personnel complaints that can be resolved immediately.

Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.

Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and Chief of Police are notified via the chain of command as soon as practicable.

Promptly contacting the Department of Human Resources and the Watch Commander for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.

Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

Informing the complainant of the investigator's name and the complaint number within three days after assignment.

Investigating a complaint as follows:

Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.

When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

Ensuring that the procedural rights of the accused member are followed.

Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.7.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to employees:

Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off duty, he/she shall be compensated.

Unless waived by the employee, interviews of an accused employee shall be at the Provo City Police Department or other reasonable and appropriate place.

No more than two interviewers should ask questions of an accused employee.

Prior to any interview, an employee should be informed of the nature of the investigation.

All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

Any employee 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.

An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the employee has been given a Garrity advisement and if possible, after the investigator has consulted with the prosecuting agency. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.

All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

All employees shall provide complete and truthful responses to questions posed during interviews.

No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1010.7.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints 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.

Synopsis - Provide a summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.7.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

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 sufficient evidence to establish 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 take appropriate action with regard to any additional allegations.

1010.7.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1010.7.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.8 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.

1010.9 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 Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

Shall be required to continue to comply with all policies and lawful orders of a supervisor.

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.

1010.10 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

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.

The Provo City Police Department 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.

1010.11 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1010.11.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.11.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

Access to all the materials considered by the Chief of Police in recommending the proposed discipline.

An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

If the member elects to respond orally, the presentation shall be recorded by the Department. 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 Chief of Police shall consider all information received regarding the recommended discipline. The Chief of Police 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 Chief of Police has issued a written decision, the discipline shall become effective.

1010.11.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1010.12 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 Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

The response is not intended to be an adversarial or formal hearing.

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.

The employee may suggest that further investigation could be conducted, or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.13 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

If a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.14 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 Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police 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.

1010.15 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 Records Policy.

Policy 1011 Seat Belts

1011.1 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 department vehicles.

1011.1.1 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 (Utah Code 41-6a-1601).

1011.2 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 department, 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 Department, are properly restrained (Utah Code 41-6a-1803).

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 department member or the public. Members must be prepared to justify any deviation from this requirement.

1011.3 TRANSPORTING CHILDREN

A child younger than 8 years of age shall be secured using a child restraint system in the manner prescribed by the manufacturer of the system unless an exemption exists due to the child's 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.

1011.4 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department 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.

1011.5 INOPERABLE SEAT BELTS

Department 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.

Department 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 Chief of Police.

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.

1011.6 POLICY

It is the policy of the Provo City Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.7 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.

1011.8 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.

Policy 1012 Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Provo City Police Department 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.

1012.3 ISSUANCE OF BODY ARMOR

The Operational Support Services Division Commander or designee shall ensure that body armor is issued to all officers when the officer begins service at the Provo City Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Operational Support Services Division Commander or 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.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

Officers shall only wear agency-approved body armor.

Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

Officers 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.

Officers may be excused from wearing body armor when a physical condition prevents the comfortable wearing of the vest. It may be required that a doctor's excuse be provided at the officer's Division Commanders discretion.

Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

An officer 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 a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy.

Officers shall routinely inspect their body armor for fit, cleanliness, and signs of damage, abuse, and wear.

Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor.

1012.3.3 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.

Policy 1016 Fitness for Duty

1016.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of the Department remain fit for duty and able to perform the job functions.

1016.2 EMPLOYEE RESPONSIBILITIES

It shall be the responsibility of each employee of the Department to maintain good physical condition sufficient to perform essential duties of their position safely and properly.

Each employee of the Department shall perform his/her respective duties without physical, emotional and/or mental constraints.

During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.3 SUPERVISOR RESPONSIBILITIES

A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem, and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

In the event the employee appears to need immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.

The Chief of Police and any other supervisor who is made aware that an officer may have a physical or mental disability affecting the officer's ability to perform his/her duties shall investigate the allegation (Utah Code 53-6-211).

The Chief of Police or a designee shall ensure that any allegation that an officer has a physical or mental disability affecting the officer's ability to perform his/her duties is reported to Utah Peace Officer Standards and Training (POST) within 90 days if the allegation is found to be true (UAC R728-409-18). This applies even in those instances where an employee resigns or is terminated (Utah Code 53-6-211).

The Chief of Police shall be promptly notified if any employee is relieved from duty.

1016.4 NON-WORK-RELATED CONDITIONS

Any employee suffering from a non-work-related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) to obtain medical treatment or other care.

1016.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition which 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 Watch Commander or unit supervisor and concurrence of a Division Commander, 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 preliminary determination that the employee's conduct appears to be in compliance with related policies.

The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1016.6 FITNESS FOR DUTY EVALUATIONS

Fitness for duty medical evaluations may be performed under any of the following circumstances:

Return to work from injury or illness.

When a supervisor determines there is a direct threat to the health or safety of the employee or others.

In conjunction with corrective action, performance or conduct issues or discipline.

When it is a bona fide occupational qualification for selection, retention, or promotion.

Any physical, medical, and psychological examinations required by the agency be provided at no cost to the employee.

1016.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

16 hours in one day (24-hour) period or

30 hours in any 2-day (48-hour) period or

84 hours in any 7-day (168-hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any employee who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, combination of on-duty and off-duty work and any other work assignments.

1016.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to file an appeal per Provo City Personnel Policy Grievance Procedure for Unclassified Civil Service Employees.

Policy 1021 Outside Employment

1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy and Provo City Personnel Policy # 023 Paragraph 3.

1021.1.1 DEFINITIONS

Outside Employer - Any entity or individual providing outside employment to Provo City Police Department employees is an "outside employer."

Outside Employment - Any employee of the Department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) 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 department for services, product(s) or benefits rendered.

Overtime Reimbursement - Any entity or individual who reimburses the Department for augmented police services pursuant to a special request to the Department is paying "overtime reimbursement." Types of services that may be considered for overtime reimbursement by special request include: enhanced traffic control and pedestrian safety; crowd control; security and protection of life and property; and law enforcement services for public authorities. These augmented services shall be requested and scheduled directly through the Department so that the Department may be reimbursed for the cost of wages and benefits for officers performing such services.

1021.2 OBTAINING APPROVAL

No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior

written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application, which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved application.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason(s) for the denial of the application at the time of the denial.

Also see Provo City Personnel Policy #23

1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances, and as otherwise provided in this Directive:

When an employee's performance at this department declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment authorization. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment authorization.

When suspension or revocation of a previously approved outside employment authorization is included as a term or condition of sustained discipline.

If, at any time during the term of any authorized outside employment, an employee's conduct or outside employment conflicts with the provisions of Department policy, the authorization may be suspended or revoked.

When an employee is unable to perform at a full-duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's full-time duties until the employee has returned to a full duty status.

1021.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Utah Administrative Code R477-9-2, and the interests of Provo City, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in:

Any activity which interferes with an employee's job performance.

Any activity which conflicts with the interests of the Department the City of Provo or the State of Utah.

Any activity which gives reason for criticism or suspicion of conflicting interests or duties.

Employment as a process server, re-possessor, or bill collector, towing of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes. No police officer may have any interest in any collection agency nor act as a compensated collection agent for any creditor or collection agency.

Investigations for the private sector or any employment in which confidential information acquired as a police officer might be used in ways that compromise open investigations by the department or violate individuals' privacy rights, or which require the police officer to have access to police information, files, records, or services as a condition of employment.

Assists, in any manner, the case preparation for a defense counsel in any criminal or civil action or proceeding, which involves Provo City.

Activities for a business or labor group on strike.

Any employment at any gambling or sexually oriented business or at an establishment or for a company whose principal business is the sale, or manufacture of alcoholic beverages.

1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

1. Safety and Firearms.

To protect the health and safety of employees engaging in outside employment:

The outside employer must expressly agree in writing to provide Workers Compensation Insurance for the employee, and to indemnify Provo City from any liability for the employee's actions taken while in the outside employment.

The outside employer must enter into an indemnification agreement with the Department and Provo City prior to approval for the outside employment.

The employee must execute a letter of understanding with the prospective outside employer, using a format as provided in this policy, with a copy of such letter being submitted to the Chief of Police after its execution.

If the outside employment requires being armed, the officer or his/her employer will furnish the firearm and it will be carried, displayed, or used in a manner consistent with prevailing law. The officer is forbidden from being armed in an off-duty employment capacity relying on the statute that allows him/her to be armed by virtue of his/her status as a Provo Police Officer. The authority for being armed in an off-duty supplemental employment capacity must arise from authority acquired from a source other than that provided by virtue of being a Provo Police officer.

Violations of these restrictions on law enforcement action while off duty may result in a revocation of the employee's permit for outside employment and may subject the employee to disciplinary action up to and including termination.

2. Requests for Police or Security Related Outside Employment.

Requests for approval for outside employment in police or security related employment may be approved if, in addition to the City policy requirements, the following criteria are met:

The employee agrees to refrain from carrying a department-owned weapon while engaged in outside employment activities.

The employee agrees to not display any form of Provo Police identification while working in an outside employment capacity.

The employee shall execute a letter of understanding with the prospective employer, using a format as provided in this policy, with a copy of such letter being submitted to the Chief of Police after its execution.

The employee agrees when working in outside employment to refrain from verbally or otherwise identifying him or herself as a Provo Police officer when taking any action in connection with the off-duty employment.

3. Requests for Augmented Services.

Any private organization, entity or individual seeking augmented services from the Department must submit a request in advance for the desired service. Such services shall be assigned, monitored, and paid through the Department.

The applicant shall provide for the reimbursement of the Department for the compensation and full benefits of all employees requested for such services.

Should such a request be approved, any employee performing the augmented services shall be subject to the following conditions:

The officer(s) shall wear the Department uniform/identification.

The officer(s) shall be subject to the supervision and rules and regulations of the Department.

No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.

Compensation for such approved augmented services shall be pursuant to normal overtime procedures. The applicant will be required to enter into an indemnification agreement prior to approval.

1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the assignment and reimbursed accordingly.

1021.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, officers assigned to undercover or covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1021.3.4 HOURS WORKED RESTRICTIONS

An employee may work a maximum of twenty-four hours of off-duty, overtime/gap, or extra-duty employment, or a total of sixty-four hours in combination with regular duty in each calendar week unless approved by the Chief of Police in writing in the form of a memorandum.

Off-duty work hours for all employees must be scheduled in a manner that does not conflict or interfere with the employee's law enforcement duties for Provo City.

1021.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources during or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of the Department or other agencies through the use of the employee's position with this department.

1021.4.1 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 approval for an outside employment position, the Department may request that an officer provide his/her personal financial records for review/audit 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 Department becomes concerned that a conflict of interest exists based on a financial reason, the Department 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 permit may be revoked pursuant to § 1040.2.2(c).

1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid authorization, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of

hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on medical leave or modified/light-duty shall inform their immediate supervisor in writing within five days regarding whether they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police 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 authorization, a notice of revocation of the employee's work authorization will be forwarded to the involved employee, and a copy attached to the original work authorization.

Criteria for revoking the outside employment authorization include, but are not limited to, the following:

The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

The outside employment performed requires the same or similar physical ability as would be required of an on-duty employee.

The employee's failure to make timely notice of their intentions to their supervisor.

When the employee returns to full duty with the Provo City Police Department, a written request may be made to the Chief of Police to restore the outside employment authorization.

See Provo City Personnel Policy #019-A FAMILY AND MEDICAL LEAVE (FMLA) for outside employment while on FMLA.

Policy 1024 Personal Appearance Standards

1024.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, it is the policy of the Department that employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1024.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1024.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect. It can be worn up or in a tightly wrapped braid or ponytail.

1024.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1024.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1024.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or designee.

1024.2.5 JEWELRY AND ACCESSORIES

While on duty all members of the department shall adhere to the following for piercings. All uniformed female personnel, sworn and civilian, may only wear one set of stud type earrings with only one earring per ear. Earrings may only be worn in earlobes. The earrings shall be plain and no more than 1/4 inch in diameter. Personnel are prohibited from wearing excessively large earrings, long dangling

earrings, and ear gauges. Visible holes in earlobes caused by wearing of ear gauges are prohibited. The piercing and wearing of associated jewelry in all other visible parts of the body is prohibited.

While on duty, all uniformed or non-uniformed male personnel, sworn and civilian, will not wear any visible type of jewelry designed for display through the act of body piercing.

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

While on duty, non-uniformed female personnel may wear two sets of earrings per ear. Earrings may only be worn in the earlobes. Earring styles and color should not be excessive or offensive.

Only one ring may be worn on each hand of the employee while on-duty.

When deemed operationally necessary, sworn department members, in undercover assignments, may display tattoos, brandings, or jewelry otherwise prohibited by this directive with approval of their Division Commander.

1024.3 TATTOOS

At no time while on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Any employee who wishes to display their tattoos must personally meet with the Chief and get approval in writing.

Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1024.3.1 TATTOO/BRANDING CONCEALMENT

Employees are permitted to be tattooed, providing that the tattoo is covered by the uniform with the exception of the area of the arm from the end of the short sleeve shirt to the wrist. Any tattoo, brand, or mutilation on the head, neck, scalp, face, or hand must be covered by way of a uniform, business attire, or department-approved skin patch while on duty. Under no circumstance are tattoos or body art

that is visible from the neck up, or the wrists down, permitted. Skin patches are the responsibility of the individual officer.

Officers assigned to Bicycle patrol are permitted to have an approved visible tattoo on their legs.

The appropriateness of tattoo/body art shall be determined at the sole discretion of the Chief of Police or designee who shall have final approval authority on all tattoos/body art that is visible while on duty.

Considerations when determining if the markings are offensive will include, but are not limited to, those that are obscene, offensive, sexually suggestive, profane, or discriminatory towards persons on the basis of their race, color, national origin, ancestry, religion or creed, age, sex, or disability or advocate or symbolize gang, or extremist groups. For employee(s) with tattoo(s), body art, or branding(s) deemed offensive the following options exist:

Wearing the department's issued long sleeve uniform shirt

Cover the tattoo(s), branding(s) or piercing opening(s) with a department-approved (sleeve/patch) while on duty and purchased at the employee(s) expense.

A skin patch is any patch or bandage that is of a neutral tone (e.g., Ace Bandage or Band-Aid).

If the Chief of Police receives complaints about the content or nature of tattoos, not the mere presence, he may review and revoke permission to display any tattoo.

1024.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features, and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

Tongue splitting or piercing.

The complete or transdermal implantation of any material other than hair replacement.

Abnormal shaping of the ears, eyes, nose, or teeth.

Branding or scarification.

Policy 1025 Uniform Regulations

1025.1 PURPOSE AND SCOPE

The uniform policy of the Provo City Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated policies:

Body Armor

Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Provo City Police Department will provide uniforms for all employees.

1025.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police 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.

Uniform and equipment shall be maintained in a serviceable condition and shall be always ready for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

All peace officers of the Department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

Personnel shall wear only the uniform specified for their rank and assignment.

The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications which are maintained separately from this policy.

All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.

Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform including the uniform pants.

Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or designee.

Wristwatch.

Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.

Medical alert bracelet.

1025.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department-issued identification in a courteous manner to any person upon request and as soon as practical.

Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1025.3 UNIFORM CLASSES

1025.3.1 CLASS A UNIFORM

The Class A uniform is worn by the chief and captains. The Class A Uniform is to be worn on special occasions. The Class A uniform includes the standard issued uniform with:

- a. Long-sleeve white shirt with tie.
- b. Blue dress coat with yellow buttons the front of the coat, pockets, and sleeves.
- c. Polished shoes.

1025.3.2 CLASS B UNIFORM

The Class B uniform is to be worn on special occasions, such as funerals, graduations, ceremonies or as directed. The Class B uniform is required for all sworn personnel. The Class B uniform includes the standard issue uniform with:

Long-sleeve shirt with tie.

Polished shoes.

Boots with pointed toes are not permitted.

1025.3.3 CLASS C UNIFORM

All officers will always possess and maintain a serviceable Class C uniform.

The Class C uniform will consist of the same garments and equipment as the Class B uniform with the following exceptions:

The long- or short-sleeve shirt may be worn with the collar open. No tie is required.

A white or black crew-neck tee-shirt must be worn with the uniform.

All shirt buttons must remain buttoned except for the last button at the neck.

Shoes for the Class C uniform may be as described in the Class B uniform.

Approved all black unpolished shoes may be worn.

Boots with pointed toes are not permitted.

1025.3.4 CLASS D UNIFORM

The Class D uniform may be established to allow field personnel and animal control officers with cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class D Uniform and the specifications for the Class D Uniform.

1025.3.5 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as Canine Team, EOD, Mountain Rescue, SWAT, Bicycle Patrol, Motor Officers, and other specialized assignments.

1025.4 INSIGNIA AND PATCHES

Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 1/2-inch below the shoulder seam of the shirt and should be bisected by the crease in the sleeve.

The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be always worn while in uniform. The nameplate shall display the employee's first initial and last name. 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. Service stars indicating length of service may be displayed on the nameplate.

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.

Assignment Insignias - Assignment insignias (SWAT, FTO, Motors, Mountain Rescue) may be worn as designated by the Chief of Police. Officers are authorized to only wear one assignment insignia. Assignment insignia is to be worn above the name plate and below the flag pin.

Flag Pin - A flag pin will be worn, centered above the nameplate.

Badge - The Department-issued badge or an authorized sewn-on cloth replica must be always worn and visible while in uniform.

Rank Insignia - The designated insignia indicating the employee's rank must be always worn while in uniform. The Chief of Police may authorize exceptions.

1025.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. As a reference, the morning band should be worn from 11 to 5, as if looking at the face of a clock.

The following mourning periods will be observed:

An officer of the Department - The morning badge should be worn for a period of thirty days from the date of death.

An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

Funeral attendee - While attending the funeral of an out-of-region fallen officer.

National Peace Officers Memorial Day (May 15).

As directed by the chief of police, when special circumstances dictate that a department display of official mourning is appropriate.

1025.5 CIVILIAN ATTIRE

There are assignments within the Department 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 the wearing of civilian attire is necessary.

All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear a button-style shirts with a collar, and slacks or suits that are moderate in style. Male detectives will also wear a tie.

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.

The following items shall not be worn on-duty:

Tee-shirt alone.

Open-toed sandals or thongs.

Swimsuit, tube tops or halter-tops.

Spandex-type pants or see-through clothing.

Distasteful printed slogans, buttons, or pins.

Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Provo City Police Department or the morale of the employees.

1025.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Provo City Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official

insignia, or cause to be posted, published or displayed, the image of another employee, or identify himself/herself as an employee of the Provo City Police Department to do any of the following:

Endorse, support, oppose or contradict any political campaign or initiative.

Endorse, support, oppose or contradict any social issue, cause, or religion.

Endorse, support, or oppose any product, service, company or other commercial entity.

Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any Web site.

1025.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department-issued item.

Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

Replacement of items listed in this order as optional shall be done as follows:

When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

When the item is no longer functional because of damage during the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1025.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Provo City Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Provo City Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Policy 1028 Temporary Modified-Duty Assignments

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified duty assignments may be available to employees who have incurred a duty-related illness, injury, or condition, and are unable to perform their regular assigned duties. All employees on Worker's Compensation benefits are eligible for modified duty; and will be evaluated by the Provo City Transitional Employment Committee. The Department may consider off-duty illness, injury, or condition for eligibility similar to duty-related illness or injury. If an employee is temporarily unable to perform her job because of her pregnancy, she will be treated the same as any other temporarily disabled employee. Transitional assignments should not be longer than eight (8) weeks unless there are mitigating circumstances or conditions which the Transitional Employment Committee deems to require a longer physical transition. Eligibility for modified duty assignment is subject to the approval of the Chief of Police or designee.

The Department shall not have long-term or permanent modified duty assignments. Assignment to modified duty shall not exceed one year.

Also see Provo City Personnel Policy #021

1028.2 POLICY

Subject to operational considerations, the Provo City Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1028.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Utah Antidiscrimination Act (Utah Code 34A-5-101 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Provo City Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1028.3.1 RESTRICTIONS

The following restrictions are imposed upon employees occupying a modified duty assignment.

Depending upon the nature and extent of the condition or illness, an employee on modified duty may be prohibited or restricted from wearing a departmental uniform, carrying a weapon, or otherwise limited in employing police powers as determined by the Chief of Police.

Employees are not to operate any police department vehicles, including take home vehicles.

Employees on temporary modified duty are prohibited from engaging in outside employment in which they may reasonably be expected to perform functions for which they have been determined physically or mentally unable to perform on behalf of this agency and that form the basis for their modified duty assignment. Employees prohibited from engaging in outside employment under this policy are required to apply for modified duty if it is offered by the outside agency for which they are employed. Employees are prohibited from participating in activities that can reasonably be expected to inhibit or delay their recovery.

1028.4 PROCEDURE

To request assignment to modified duty for a job-related injury, employees shall provide to the Division Commander or designee a signed report from a treating physician of the employee's inability to perform the basic and essential job

functions of his/her regular duties, and their ability to perform the basic and essential job functions associated with the duties of a modified duty assignment. The document shall indicate the nature of the injury or illness, the employee's limitations/restrictions, and the expected duration. The physician must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices. The Police Department will provide the Provo City Transitional Employment Committee the same signed report.

The Division Commander and the Provo City Transitional Employment Committee will determine what modified duty assignments may be available, if any additional documentation is needed, consider the needs of the Department, limitations of the employee, suitability to an assignment and may place the employee in a suitable and available modified duty assignment. Requests for modified duty assignment of twenty hours or less may be approved and facilitated by a Watch Commander or division supervisor.

The Department may impose a modified duty assignment on an employee if it is observed that he/she is unable to perform their regular assigned duties due to an injury, illness, or condition. In such circumstances, the Department may require a Fitness for Duty medical examination at the expense of the Department. Modified duty assignments that are imposed on an employee must first be reviewed and approved by the Transitional Employment Committee.

1028.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1028.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1028.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

Ensuring that employees returning to full duty have completed any required training and certification.

1028.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1028.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1028.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1028.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1028.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Policy 1030 EARLY INTERVENTION SYSTEM

1030.1 PURPOSE AND SCOPE

This policy is intended to assist police supervisors and leaders in identifying officers and other employees whose performance warrants review and, where appropriate, intervention in circumstances that may have negative consequences for the employee, fellow employees, this agency, and/or citizens.

1030.2 POLICY

It is the policy of the Provo Police Department to establish a system for tracking and reviewing incidents of risk to this department and the involved employees. To this end, the Early Intervention System (EIS) shall be used as a means to identify and assess employee performance involved in potential risk incidents and intervene where appropriate.

1030.3 DEFINITIONS

Office of Professional Standards and Training (OPST): Also, sometimes referred to as internal affairs, this function is executed by the employees or unit with primary responsibility for conducting investigations of employee misconduct allegations.

Use of Force: Efforts employed by an officer to compel compliance from an unwilling subject, to include but not limited to the use of hands-on physical force; chemical, electronic; and impact devices; firearms; and other weapons or means.

Excessive Use of Force: The application of an amount and/or duration of force greater than that required to compel compliance of a non-compliant subject.

Potential-Risk Incidents: Actions that may result in injury to employees or the public, cause civil rights violations, increase the civil liability to the department, or cause this agency to lose public support and confidence in its ability to perform its duty in a professional manner.

1030.4 PROCEDURES

1030.4.1 GENERAL

It is the duty of line supervisors to directly monitor the performance and behavior of personnel under their charge on a daily basis.

The EIS is a tool to assist supervisory personnel in monitoring employee performance and to intervene when signs of risk/warning exist.

Supervisory personnel shall be familiar with alternatives and authorized actions they may take (as detailed in the Provo City Personnel Policy #25) in response to personnel exhibiting behavioral problems with or without information provided through the EIS.

1030.4.2 REPORTING PROCEDURES

This agency's Office of Professional Standards and Training (OPST) shall be responsible for establishing, and administering, the EIS and generating reports specified in this policy or as otherwise directed by the Chief. The OPST, shall receive copies of the following:

Complaints lodged against employees in accordance with provisions of this agency's policy on investigation of employee misconduct, to include the following:

Complaints lodged by one employee against another.

Summary disciplinary actions taken against an employee by supervisor with or without a formal complaint.

Complaints lodged by citizens against agency personnel (Cat I and Cat II)

Incidents involving off duty action taken by an officer.

Disciplinary actions taken against employees.

Administratively defined examples of improper actions and/or improper conduct

Use-of-Force Reports

Use of Force report forms will be completed in all instances where personnel of the Provo Police Department or anyone acting under the direction of the Provo Police Department engage in the use of force beyond dialogue and/or escort. The completed form will be submitted to the on-duty supervisor and sent up the chain of command no later than the end of their shift. All use of force forms will be submitted to OPST, entered into the EIS, and reviewed by the Use Of Force Review Board Supervisor before being sent to the Chief. Use of force reports will be filed in the OPST office.

Performance-based and related information shall also be included in the EIS, to include the following:

Traffic accidents

Pursuits, both within and out of policy

Injuries sustained on-duty.

Commendations and other awards

Reports

The OPST shall collect and report on the aforementioned data and information by comparing it to historical norms of all agency personnel functioning in the same or similar assignments. Norms will be updated on an ongoing basis for each behavioral or performance indicator. Reports on individual officers based on deviations from those norms will be distributed to respective police supervisors.

Reports shall be developed on a routine basis for all employees but shall be generated whenever an officer has exceeded the threshold established by this agency requiring supervisory review and intervention.

Reports shall provide a brief summary of complaints, uses-of-force incidents, and/or performance indicators and their respective dispositions where available. Reports shall draw no conclusions nor make any determinations concerning job performance. Reports are intended to assist supervisory personnel evaluate and guide their subordinates. Reports alone shall not form the basis for disciplinary action.

Supervisors shall review reports with the subject officer and encourage him or her to provide insight to the itemized incident and problems identified in the report.

The subject officer's commander or designee and the officer's supervisor shall meet to discuss the report and other relevant information and determine if corrective actions are warranted. These actions may include but are not limited to the following:

Refer the officer to an agency peer counselor.

Refer the officer to the employee assistance program (EAP) or other mental health care provider authorized by the department.

Require that the officer participate in agency authorized training, targeting personal or professional problems that the officer may be facing (e.g., communications, cultural awareness, coping with stress, anger management)

Initiate reassignment or transfer; or

Conclude that the officer's actions do not warrant immediate need for corrective action.

A report of action recommendations and justification for those recommendations shall be forwarded through OPST to the Chief or his designee for approval.

Once approved, the employee shall follow the plan to completion. The employee's progress shall be monitored and formally reported to the Chief at intervals prescribed by this agency. Indications of employee compliance or noncompliance, to include evidence on completion, of the agreed upon plan should be included in the employees 201 file for future reference.

Policy 1031 Participation in Law Enforcement Organizations

1031.1 OFFICERS IN UPOA, UNOA, UBSTF AND FOP.

Regular full-time officers of the department who are elected to positions of leadership in either UPOA, UNOA, UBSTF, FOP or others as approved by the Chief of Police, when possible, shall be given necessary time to participate in activities related directly to the post held in those organizations. The officer shall be allowed use of a city car to travel to and from such activities.

It is suggested that officers seeking election review the demands of the office with the Division Commander prior to election. In the case of elected positions in which national office is possible, approval of the Chief of Police is required due to time and travel requirements.

This policy does not extend to officers serving in appointed or volunteer positions in organizations, but to elected officers only. Exceptions to this policy require approval of the Chief of Police.

Policy 1032 Employee Speech, Expression and Social Networking

1032.1 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 balancing of employee speech and expression with the needs of the Department.

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, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

See Provo City Personnel Policy #50. Information Technology Resources Use Policy.

1032.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services,

social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites such as drop box and similar document sharing sites.

1032.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Provo City Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1032.3 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 the Provo City Police Department 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 anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

Disclosing a photograph and name or address of an officer who is working undercover.

Disclosing the address of a fellow officer.

Otherwise disclosing where another officer can be located off-duty.

Names of family members or associates.

Name or address of schools or house of worship family members attend.

1032.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee

speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Provo City Police Department or its employees.

Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Provo City Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Provo City Police Department or its employees. Examples may include:

Statements that indicate disregard for the law or the state or U.S. Constitution.

Expression that demonstrates support for criminal activity.

Participating in sexually explicit photographs or videos for compensation or distribution.

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, unlawful discrimination, or illegal behavior.

Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Provo City Police Department.

Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (Utah Code 67-16-4).

Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches,

marked vehicles, equipment or other material that specifically identifies the Provo Police Department on any personal or social network or other website or web page, without the express authorization of the Chief of Police.

Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).

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).

1032.4.1 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 officer associations, employees may not represent the Provo City Police Department or identify themselves in any way that could be reasonably perceived as representing the Provo City Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Utah Code 20A-11-1206):

Endorse, support, oppose or contradict any political campaign or initiative.

Endorse, support, oppose or contradict any social issue, cause, or religion.

Endorse, support, or oppose any product, service, company, or other commercial entity.

Appear in any commercial, social, or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Use the email of Provo City 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), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Provo City Police Department.

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 officer 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).

1032.5 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) that is accessed, transmitted, received, or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers or networks.

1032.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

Whether the speech or conduct would negatively affect the efficiency of delivering public services.

Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

Whether the speech or conduct would reflect unfavorably upon the Department.

Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

Whether similar speech or conduct has been previously authorized.

Whether the speech or conduct may be protected and outweighs any interest of the Department.

1032.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Policy 1033 Medals

1033.1 PURPOSE

It has always been the intention of the Police Department Administration to recognize and reward outstanding service. Consequently, the medals of valor, distinction, lifesaving, and Purple Heart have been authorized to; in those cases when unusual service is rendered, have an award which will be bestowed in recognition of such service.

1033.2 MEDAL OF DISTINCTION

The Provo Police Department medal of distinction may be awarded to any member of the Provo Police Department for service which fits the following criteria:

1. The service rendered must be on behalf and in the interest of the City of Provo.
2. The service rendered must be performed within the scope of the recipient's employment.
3. The service must go substantially beyond the standard of performance one would normally expect.
4. The service must include substantial initiative and innovation.
5. The service must have a successful outcome, achieving the intended objective.

6. The outcome must reflect favorably on the Provo Police Department and City Government.

7. The activities involved in the service must be clearly within the law, department policy and parameters of professional ethics.

1033.3 MEDAL OF VALOR

The Provo Police Department medal of valor may be awarded to any member of the Provo Police Department for valorous action meeting the following criteria:

1. The act must be performed within the scope of the recipient's employment as a State certified Police Officer, whether on or off duty.

2. The act must clearly go beyond common expectations of courage.

3. There must be a substantial threat to the employee's safety involved in the act.

4. The threat to the employee must be known before the action is taken.

5. The act must be clearly an act of courage rather than recklessness.

6. The outcome of the act must be in doubt.

7. The act must clearly be within the law, department policy and professional ethics unless there are exigent circumstances involving serious threat of life which might mitigate certain aspects of law, policy, and ethics.

8. There must be no safer alternative available that could be clearly seen at the time of the act

1033.4 LIFESAVING MEDAL

The lifesaving medal may be awarded to any member of the Provo Police Department for lifesaving actions which fit the following criteria:

1. The actions must be taken within the scope of the recipient's employment.

2. The action must clearly be the direct cause of the victim's survival.

3. The action must be something other than directing the actions of others, i.e., the recipient must be present at the site of the victim.

4. The action must be prudently taken, and be consistent with sound and accepted lifesaving techniques, given the totality of the situation.

5. There must be medical and/or eyewitness validation of the action as being lifesaving.
6. The action taken need not involve bravery or personal risk on the part of the recipient.

1033.5 PURPLE HEART AWARD

The Provo Police Department Purple Heart Award may be awarded to any member of the Provo Police Department for the following criteria:

1. Sustained wounds inflicted intentionally by an armed or unarmed offender, which results in serious bodily injury, substantial bodily injury, or death, or could have resulted in serious bodily or substantial bodily injury or death.

OR

2. Sustained serious bodily injury, substantial bodily injury, or death, due to an unforeseen accident, while in the performance of one's duty or while off duty, in the off-duty capacity as required by Department Policy while using their assigned vehicle.

(See Utah State Code 76-1-601(11) and (12) for definitions)

1033.6 PROCESS OF RECOMMENDATION AND REVIEW

Any person may make a written recommendation for bestowal of a medal. Such recommendation should be made in writing with utmost specificity to the chief of police.

Upon receiving a recommendation for bestowal of a medal, the chief of police will initiate an administrative staff review which will consist of a panel of review comprised of the chief, the nominee's division commander as well as everyone in the chain of command over the nominee. Additionally, one peer of the nominee will be chosen by a lot to sit as a member of the panel of review.

The person making the recommendation will be invited to appear before the panel to give testimony as to the basis for the nomination.

The review panel will then discuss the nomination without the recommending person present for the purpose of testing the recommendation against the criteria set forth above.

Following such discussion, each member of the panel will submit a written recommendation to the chief of police stating whether he or she supports the bestowal of the medal. Those written recommendations will be kept confidential and will be reviewed only by the chief.

The chief of police will exercise the final option as to whether the medal will be bestowed.

1033.7 WEARING OF MEDALS

At the time of presentation, the medal will be bestowed upon the recipient by use of the "presentation ribbon" which is placed around the neck of the recipient.

The recipient will be entitled to wear the enamel "ribbon" on his/her regular uniform above the name plate over the right pocket with service stars, if worn, being placed above the medal ribbon.

On formal occasions, the recipient may wear the medal on the standard ribbon when wearing a dress uniform.

Policy 1034 Peer Support Program

1034.1 PURPOSE

The purpose of Peer Support Program is to provide assistance and appropriate support resources to employees when personal or professional problems negatively affect their work performance, family unit or self. This communication is confidential, providing it does not violate any law or department regulation.

This program is designed to:

Provide emotional support during and after times of personal or professional crisis to other employees who need assistance.

Promote trust, allow anonymity, and preserve confidentiality for persons using Peer Support within the guidelines of the program.

Develop Members who can identify personal conflicts and provide guidance or referral to professional\alternate resources as required.

Maintain an effective peer support training and response program.

Check on status of illnesses and IOD's and provide support where desired and needed.

1034.2 DEFINITIONS

Peer Support Team Member - Any employee who has been trained to provide emotional and moral support to other employees, and whose selection to the Peer Support Team has been approved by the Chief of Police.

Peer Support Coordinator - The individual member of the Peer Support Team designated by the Chief of Police and his responsible for:

Chairing the meetings of the Peer Support Team.

Assisting in the selection and removal of Peer Support Team members.

Making recommendations for modifications to the program and providing appropriate information to the Chief of Police.

Privileged Communication - Any communication made by the employee to the Peer Support team member while engaged in a support session that does not fall within exceptions noted in this policy.

Peer Assistance - A process by which trained personnel provide emotional support and referrals for a colleague during a crisis or when they are under stress. Generally, peer assistance is sought by the member in need, or suggested by the member's peer(s) or supervisor. Peer assistance or support is a necessary adjunct to professional mental health guidance and leadership in trauma support services. Peer assistance is an additional resource and not a replacement for the cities Employee Assistance Program (EAP).

1034.3 DUTIES

Peer Support personnel shall perform the following functions:

(a) Respond immediately when called upon for Critical Incidents.

Note: Callouts will be made by the Program Coordinator through the chain of command (ex: on-duty Watch Commander will notify the the Program Coordinator who will then make peer support callouts). A Watch Commander and/or a Captain can make callouts in the absence of the Program Coordinator.

(b) Contact affected personnel to assess their needs and provide necessary assistance.

(c) Provide emotional support to involved personnel who may be experiencing difficult reactions as a result of a critical incident.

- (d) Provide information to the member or their family regarding possible reactions they may experience as a result of involvement in a critical incident.
- (e) If necessary, suggest resources and refer the member or family members to a resource(s) outside of the police department.
- (f) Ensure the member gets home safely.
- (g) Contact the member the day after the incident, or as necessary to assess additional needs.

1034.4 CONFIDENTIALITY

It is imperative that each Member maintain strict confidentiality of all information learned about an individual within the guidelines of this program. Communication between the Member and a person is considered confidential (In accordance with UCA 78B-5-903) except for matters which involve the following:

- (a) The peer support team member was a witness or a party to the incident that prompted the delivery of peer support services.
- (b) The person receiving peer support is a clear and immediate danger to the person's self or others.
- (c) Information received by a peer support team member is indicative of actual or suspected child abuse, or actual or suspected child neglect
- (d) Communication to a peer support team member establishes reasonable cause for the peer support team member to believe that the person receiving peer support services is mentally or emotionally unfit for duty
- (e) Communication to the peer support team member provides evidence that the person who is receiving the peer support services has committed a crime, plans to commit a crime, or intends to conceal a crime.

Member assistance is not exempt from laws, rules, regulations, directive, or orders; but any exchange of information not in violation of this statement will be confidential. A general principle for Members to follow is to inform the person, prior to discussion, what the limitations and exceptions are regarding the information revealed.

While acting in an official Peer Support capacity, Peer Support Team Members are expected to maintain a level of professionalism and appropriate conduct that is in

accordance with current department policies and departmental codes of conduct. Compromising a confidence will be considered a violation of this policy.

Accusations of a breach of confidentiality by a Peer Support Team Member will be made directly to the Peer Support Program Coordinator and/or the Clinical Supervisor for review. A review of findings and recommendation for action, if any, will be submitted to the Office of the Chief for further action. If the complaint is founded, the team member accused will immediately be removed from the Peer Support Team and is subject to further departmental discipline.

If the complaint is unfounded, the member will continue in their duties as part of the team.

1034.5 TRAINING

Team Members shall be required to certify through an approved certification class and are required to attend continual annual training in subjects dealing with policy and confidentiality, critical stress management, mental health, and any other areas beneficial to the Peer Support Program.