FORWARD FROM CHIEF WADE CARPENTER

Police Department personnel are responsible for the protection of lives, property, and the rights of all persons. This manual is a vital tool for each member of the Department in the discharge of these responsibilities. Individual adherence to the directives, laws, and guidelines present in the Manual will enable members to function in the most effective manner, further providing citizens of Park City with quality law enforcement services.

A clear definition of rules and practice, which enhance the likelihood that consistent police action will be taken in similar circumstances, is a benefit to both citizens and police officers. It further provides members of the profession with protection from unjust or unfounded criticism. For the officer, this means the standards for measuring his or her performance are the same as those used to measure his associates. For the citizen, this means the same relative level of service from one officer to another. In both cases, a higher degree of fairness and and justice prevails than if standards did not exist at all.

We recognize that laws, practices, procedures, and policies require modification as changing needs and more effective methods are seen. This manual has been developed to address changes in practice, case law, and policy as change arises through regular updates. This will require constant notification of changes and regular training to ensure all members are aware of all updates.

This manual will be used jointly with the Park City Municipal Employees Policy and Procedures manual, which reflects general policies and benefits for all city employees.

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LAW ENFORCEMENT CODE OF ETHICS

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

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

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. 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 ill will, never employing unnecessary force 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession .....law enforcement.

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PARK CITY POLICE DEPARTMENT MISSION STATEMENT

The Park City Police Department will involve the community in providing quality law enforcement services, prevention and detection of criminal activity, protection of life and property, and resolution of disputes to preserve and enhance our community's quality of life.

GUIDING PRINCIPLES

The members of Park City Police Department will, in a fair and impartial manner and without bias, enforce the ordinances of Park City, and the laws of the State of Utah and the United States of America.

The members of the Park City Police Department will serve the public by direction and counsel, protecting the rights of all individuals with whom we come in contact.

The members of the Park City Police Department will perform our services and duties with honesty, integrity, courage, fidelity and sound judgment.

The members of the Park City Police Department are committed to involve the community in resolving problems for the preservation of quality of life in our historic mountain town.

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Table of Contents

Forward from Chief Wade Carpenter. 1

Law Enforcement Code of Ethics. 2

Park City Police Department Mission Statement. 3

Chapter 1 - Law Enforcement Role and Authority. 9

100 - Law Enforcement Authority. 10
101 - Chief Executive Officer. 13
102 - Oath of Office. 14
103 - Policy Manual. 15

Chapter 2 - Organization and Administration. 18

200 - Organizational Structure and Responsibility. 19
201 - Departmental Directive. 22
202 - Comprehensive Emergency Managment Plan (CEMP). 23
203 - Electronic Mail. 25
204 - Administrative Communications. 26
205 - Staffing Levels. 27
206 - Concealed Weapon License. 28
207 - Retiree Concealed Firearms. 29
208 - Training. 32
209 - Budget Management. 36

Chapter 3 - General Operations. 37

300 - Use of Force. 38
301 - Use of Force Review Boards. 48
302 - Handcuffing and Restraints. 51
303 - Control Devices and Techniques. 55
304 - Conducted Energy Device. 64
305 - Officer-Involved Shootings and Deaths. 71
306 - Firearms. 80
307 - Vehicle Pursuits. 91
308 - Officer Response to Calls. 104
309 - Domestic Violence and Violations of Court Orders. 107
310 - Lethality Assessment Program. 112
311 - Search and Seizure. 117
312 - Temporary Custody of Juveniles. 120
313 - Adult Abuse. 129
314 - Discriminatory Harassment. 134
315 - Child Abuse. 139
316 - Missing Persons. 144
317 - Public Alerts. 154
318 - Victim and Witness Assistance. 158

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319 - Hate Crimes. 162
320 - Standards of Conduct. 164
321 - Information Technology Use. 174
322 - Report Preparation. 178
323 - Legal Advice, Process and Liability. 183
324 - Media Relations. 185
325 - Subpoenas and Court Appearances. 189
326 - Reserve and Auxiliary Officers. 192
327 - Outside Agency Assistance. 198
328 - Registered Offender Information. 201
329 - Major Incident Notification. 204
330 - Death Investigation. 206
331 - Identity Fraud. 210
332 - Private Persons Arrests. 212
333 - Limited English Proficiency Services. 214
334 - Communications with Persons with Disabilities. 222
335 - Mandatory School Employee Reporting. 230
336 - Public Safety Video Surveillance System. 231
337 - Chaplain Program. 235
338 - Child and Dependent Adult Safety. 241
339 - Volunteer Program. 244
340 - Off-Duty Law Enforcement Actions. 245
341 - Canines. 247
342 - Department Use of Social Media. 257
343 - Native American Graves Protection and Repatriation. 260
344 - Community Relations. 262
345 - WRONG-WAY DRIVER INTERCEPT. 267

Chapter 4 - Patrol Operations. 269

400 - Patrol Function. 270
401 - Bias-Based Policing. 272
402 - Annual Training. 274
403 - Line Up/Roll Call. 276
404 - Crime and Disaster Scene Integrity. 277
405 - Ride-Along Program. 279
406 - Hazardous Material Response. 282
407 - Hostage and Barricade Incidents. 285
408 - Response to Bomb Calls. 290
409 - Involuntary Commitments. 295
410 - Citation Releases. 298
411 - Arrest or Detention of Foreign Nationals. 300
412 - Rapid Deployment Team/Active Shooter. 304
413 - Immigration Violations. 307
414 - Emergency Utility Service. 312
415 - Field Training Officer Program. 313
416 - Obtaining Air Support. 316
417 - Contacts and Temporary Detentions. 317

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418 - Criminal Organizations. 321
419 - Protest Response Plan. 325
420 - Shift Sergeants. 326
421 - Portable Video Recorder (PVR) Procedure. 327
422 - Mobile Digital Terminal Use. 334
423 - Portable Audio/Video Recorders. 337
424 - Bicycle Patrol Unit. 343
425 - Foot Pursuits. 347
426 - Illegal Camping. 352
427 - Homeless Persons. 355
428 - Public Recording of Law Enforcement Activity. 360
429 - Automated License Plate Readers (ALPRs). 363
430 - Suspicious Activity Reporting. 366
431 - Crisis Intervention Incidents. 368
432 - Medical Aid and Response. 373
433 - Civil Disputes. 378
434 - First Amendment Assemblies. 381
435 - Aircraft Accidents. 387
436 - Vehicle Lockout. 391
437 - School Resource Officers. 392
438 - Body-Worn Cameras. 394

Chapter 5 - Traffic Operations. 401

500 - Traffic. 402
501 - Traffic Collision Reporting. 406
502 - Police Motorcycle Units. 408
503 - Vehicle Towing. 411
504 - Impaired Driving. 415
505 - Traffic Citations. 420
506 - Disabled Vehicles. 422
507 - Abandoned Vehicles. 423
508 - Traffic Collisions. 425

Chapter 6 - Investigation Operations. 430

600 - Investigation and Prosecution. 431
601 - Death Investigations. 436
602 - Sexual Assault Investigations. 438
603 - Fire and Arson Investigations. 443
604 - Asset Forfeiture. 444
605 - Informants. 450
606 - Eyewitness Identification. 456
607 - Brady Material Disclosure. 460
608 - Pawn Shop Holds. 463
609 - Unmanned Aerial System. 465
610 - Operations Planning and Deconfliction. 469
611 - Warrant Service. 475
612 - Investigative Genetic Genealogy. 480

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Chapter 7 - Equipment. 484
700 - Department-Owned and Personal Property. 485
701 - Assigned Lockers, Desks, and Cabinets. 487
702 - Personal Communication Devices. 488
703 - Fiscal Management and Purchasing Procedure. 492
704 - Vehicle Maintenance. 494
705 - Vehicle Use. 497
706 - Uniform Standard. 504
707 - Cash Handling, Security and Management. 514
708 - Personal Protective Equipment. 516

Chapter 8 - Support Services. 521
800 - Communications Operations. 522
801 - Property and Evidence. 525
802 - BUILDING ACCESS. 535
803 - Records Center. 537
804 - Restoration of Firearm Serial Numbers. 540
805 - Records Maintenance and Release. 542
806 - National Crime Information Center (NCIC) Validation Procedures. 547
807 - Protected Information. 551
808 - BCI Users. 555
809 - Computers and Digital Evidence. 557
810 - Animal Control. 561
811 - Jeanne Clery Campus Safety Act. 564
812 - CJIS Access, Maintenance, and Security. 569

Chapter 9 - Custody. 574
900 - Custodial Searches. 575
901 - Prisoner Management. 580
902 - Prison Rape Elimination. 581
903 - Prisoner Transport. 591
904 - Temporary Custody of Adults. 593

Chapter 10 - Personnel. 598
1000 - PHYSICAL FITNESS. 599
1001 - Recruitment and Selection. 605
1002 - Evaluation of Employees. 611
1003 - Special Assignments and Promotions. 614
1004 - Grievances. 617
1005 - Anti-Retaliation. 619
1006 - Reporting of Arrests, Convictions, and Court Orders. 622
1007 - Drug- and Alcohol-Free Workplace. 624
1008 - Sick Leave. 626
1009 - Communicable Diseases. 627
1010 - Smoking and Tobacco Use. 628
1011 - Personnel Complaints. 629
1012 - Seat Belts. 639

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1013 - Body Armor. 641
1014 - Personnel Records. 643
1015 - Request for Change of Assignment. 646
1016 - Commendations and Awards. 647
1017 - Fitness for Duty. 651
1018 - Meal Periods and Breaks. 654
1019 - Lactation Breaks. 655
1020 - Payroll Records. 656
1021 - Overtime Compensation Requests. 657
1022 - Outside Employment. 659
1023 - Occupational Disease and Work-Related Injury and Death Reporting. . . . 663
1024 - Personal Appearance Standards. 664
1025 - Uniform Regulations. 666
1026 - Nepotism and Conflicting Relationships. 671
1027 - Department Badges. 672
1028 - Temporary Modified-Duty Assignments. 674
1029 - Speech, Expression, and Social Networking. 678
1030 - Illness and Injury Prevention. 682
1031 - Performance History Audits. 687
1032 - Line-of-Duty Deaths. 690
1033 - Wellness Program. 702
1034 - Leave Benefits. 707

Attachments. 708
Amendment to Interlocal Agreement Between Park City School District And Park City Municipal Corporation Regarding School Resource Officers (final).pdf. 709
PCPD ORG Chart Updated 08.08.24.png. 710
PCPD Org Chart 2024.pdf. 711
PCPD Updated URMA Physical Readiness Test Manual 11.5.24.pdf. 712
Victim Advocate Call Out Draft.pdf. 713
2025 Org Chart.pdf. 714

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.1.1 PARK CITY POLICE AUTHORITY STATEMENT

This Policy and Procedures Manual of Park City Police Department is hereby established in conjunction with Lexipol, Park City Police Department, and Park City Municipal Corporation Municipal Code , granting the Chief of Police authority, with approval of the City Manager, to establish rules and regulations.

This manual is a composite of current Federal and State laws and department policies, procedures and directives.

The manual applies to all department personnel, both sworn and non-sworn. Certain passages may relate to specific employees or groups to the exclusion of others. Every effort has been made to be specific in determining which policies relate to which positions or employees. If no differentiation is made, it may be assumed that the policy applies to all members.

All existing manuals, orders and directives which are in conflict with this manual are considered out of date or expired as of March 19, 2012.

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 OUTSIDE THE JURISDICTION OF THE PARK CITY POLICE DEPARTMENT

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

(a) 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.

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

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

(d) 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.

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100.2.2 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE PARK CITY POLICE DEPARTMENT

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

(a) In compliance with an arrest warrant.

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

1. For a public offense committed or attempted in the presence of an officer.
2. When an officer has reasonable cause to believe that a felony or class A misdemeanor has been committed.
3. 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.

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

(d) 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).

100.3 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 Park 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.

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters another state in fresh pursuit:

1. In Colorado, to arrest the person for a crime committed in Utah (CRS § 16-3-104).
2. In Arizona, Idaho, Nevada and New Mexico, to arrest the person for committing a felony in Utah (ARS § 13-3832; Idaho Code 19-701; NRS 171.158; NMSA § 31-2-1).

(c) When an interstate compact exists with the state of Wyoming that permits an officer to pursue and arrest an offender who has fled Utah (Wyo. Stat. § 7-3-103).

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Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or other proper judicial official in the county where the arrest occurred as soon as practicable (ARS § 13-3833; CRS § 16-3-104; Idaho Code 19-702; NRS 171.158; NMSA § 31-2-2 (New Mexico)).

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 CHIEF OF POLICE REQUIREMENTS

It is recommended that a candidate for Chief of Police of the Department should, as a condition of continued employment:

(a) Be an individual of recognized executive and administrative capacity.

(b) Be selected solely with regard to their qualifications and fitness to discharge the duties of the office.

(c) Be of high moral character.

(d) Be of good standing in their community of residence.

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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 Park City Police Department that, when appropriate, department members affirm the oath of their office 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."

102.3.1 NEWLY APPOINTED OFFICERS_DEPUTIES

Newly appointed officers shall take and abide by the oath of office before assuming sworn status.

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Park 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 Park 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 Park 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.

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City - The City of Park City.

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

Department/PCPD - The Park 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 Park City Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Park 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 Park City Police Department.

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

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

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.

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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 Bureau 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 Bureau Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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Chapter 2 - Organization and Administration

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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 OPERATIONAL BUREAUS

The Chief of Police is responsible for administering and managing the Park City Police Department. There are two Bureaus in the Department:

- Field Operations Bureau
- Special Operations Bureau

200.2.1 SPECIAL OPERATIONS BUREAU

The Special Operations Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Special Operations Bureau. The Bureau comprises the Investigations Division, Logistics Division, and CJC, WBMCTF, ICAC, DEA, and SECURE programs.

200.2.2 FIELD OPERATIONS BUREAU

The Field Operations Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Bureau. The bureau comprises the Community Outreach Division, the Patrol Division, which includes the Patrol Sergeants, Traffic, SWAT Operations, and the Reserve Officer program.

200.2.3 JOB CLASSIFICATION AND SENIORITY

The department defers to the City's policy, Section Five (5) Classification Plan.

Seniority within the department is established first by rank, and second by aggregate time served in rank. In situations requiring decision or control where officers are of equal rank, the senior officer within that rank is expected to make decisions or exercise control unless otherwise directed by supervisory or command authority.

200.3 COMMAND PROTOCOL

Each member of the department is ultimately responsible to the Chief of Police and City Manager. All employees are accountable to supervisors for the purpose of daily accountability, assistance, direction and performance reviews.

Each member of this department shall adhere to the chain of command as outlined in the Organizational Chart included in this manual.

The Chief of Police may assign officers and employees to any Bureau, duty assignment or special assignment.

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In the event of an operation or incident that causes personnel from different departmental Bureaus to interact, the Incident Command Structure established at the time of the incident or operation shall be followed.

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all members of the Department. During planned absences, the Chief of Police will designate a Bureau Commander to serve as the acting Chief of Police.

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

(a) Field Operations Bureau Commander or Special Operations Bureau Commander

(b) Community Outreach or Logistics Division Lieutenant

(c) On-duty

See attachment: PCPD ORG Chart Updated 08.08.24.png

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, or group of supervisors, at any time for a given assignment or responsibility. Although specifically delegated authority may exist by policy or special assignment (e.g Investigations, Traffic, Bike Patrol, SRO), 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.

Conflicting Orders: If an order conflicts with a previously received order or directive, the subordinate shall immediately inform the supervisor who issued the last order which is in conflict. It will be the responsibility of the last supervisor to retract, modify or confirm the order.

Unlawful Orders: Supervisors shall refrain from giving unlawful orders. Members of the department disregarding orders they *know* to be unlawful shall not be held accountable for failure to obey.

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. To facilitate this end, training requirements for supervisory personnel are assigned in the job description and job task analysis, and in-service training for supervisors shall address employee career development.

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.

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200.5 JOB DESCRIPTIONS

Each Operations Bureau Captain shall ensure that a current job description is maintained for each position in the Department. Job descriptions shall include the duties and responsibilities of each position, including entry-level requirements, and be made available to all members.

200.6 MULTI-YEAR PLAN

The Chief of Police or the authorized designee is responsible for establishing a multi-year plan, which includes:

- Goals and operational objectives.
- Anticipated workloads and population trends.
- Anticipated personnel levels.
- Anticipated capital improvement and equipment needs.

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Departmental Directive

201.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Chief of Police and designated members of Command Staff to make immediate changes to policies consistent with the current Memorandum of Understanding. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain, until such time that they can be incorporated into policy.

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 entered into a supplemental procedural manual,

201.2 RESPONSIBILITIES

Department Directives issued by the Chief of Police or designated members of Command Staff will be distributed via the department email and briefing trainings. Staff will then incorporate the directive into policy, adding the directive to this manual at the next manual update. Directives will be incorporated and the manual updated no less than twice per year.

201.2.1 STAFF

Command 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 or designated members of Command Staff 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 Sergeant.

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Comprehensive Emergency Managment Plan (CEMP)

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Park City Police Department and responsibilities of its members pertaining to large-scale emergencies and the City Emergency Operations Plan.

202.2 ACTIVATING THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)

The CEMP can be activated in a number of ways. For the Park City Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the CEMP in response to a major emergency.

Upon activation of the plan, the Chief of Police or the authorized designee should coordinate with City officials to determine the level of emergency response and to assist with mutual aid response from local, state, and federal law enforcement agencies.

202.2.1 RECALL OF PERSONNEL

In the event that the CEMP is activated, all employees of the Park City Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

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

202.3 LOCATION OF THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)

Copies of the CEMP are available in Administration, the Shift Sergeant's office, and the Dispatch Center. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented. The Administration Bureau Commander should ensure that department members are familiar with the roles they will play when the plan is implemented.

202.4 DEPARTMENTOFFICE RESPONSIBILITIES

The Field Operations Bureau Commander is responsible for planning department response to unusual occurrences.

Planning should include provisions for incident/unified command and address the following:

(a) Natural and man-made disasters (see the Crime and Disaster Scene Integrity Policy)

(b) Mass arrests (see the Temporary Custody of Adults Policy)

(c) Civil disturbances (see the First Amendment Assemblies Policy)

(d) Bomb threats (see the Response to Bomb Calls Policy)

(e) Other unusual incidents (see the Aircraft Accidents Policy)

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(f) Hostage/barricaded person situations (see the Hostage and Barricade Incidents Policy)

(g) Emergency situations at correctional or other institutions, if applicable

(h) The CEMP

202.5 POLICY

The Park City Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The CEMP complies with the State of Utah's Emergency Management Act (Utah Code 53-2a-101 et. seq.). This plan provides guidance for City emergency operations within and outside its borders as may be required.

202.6 TRAINING

The Department should provide annual training on the Comprehensive Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Comprehensive Emergency Management Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop, or command discussion.

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Electronic Mail

203.1 PURPOSE AND SCOPE

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

203.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message, including any attachment, that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

203.3 POLICY

Park City Police Department members shall use email in a professional manner in accordance with this policy and current law (e.g., Utah Government Records Access and Management Act).

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Administrative Communications

204.1 PURPOSE AND SCOPE

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

204.2 MEMORANDUMSS

Memorandums 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.

204.3 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 letterhead 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.

204.3.1 EMPLOYEE MAILBOXES

In addition to other forms of administrative communication, each employee will be assigned a department mailbox. Items such as interoffice and city corrospondence, mail recieved from the post office, payroll, and subpoenas will be placed in these mailboxes. Service to an officer's mailbox is considered service to the officer. Each employee should check their mailboxes for corrospondence at least once each working day.

204.4 SURVEYS

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

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Staffing Levels

205.1 PURPOSE AND SCOPE

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

205.2 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Bureau Commanders for each Bureau and work group. The supervision staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreement, and activity levels to meet the needs of members and the goals of the Department.

205.3 POLICY

The Park City Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

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Concealed Weapon License

206.1 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 53-5a-303).

206.2 QUALIFIED APPLICANTS

In order to continue to qualify for a permit to carry a concealed weapon, a person (Utah Code 53-5a-303):

(a) Must not have been convicted of a felony.

(b) Must not have been convicted of any crime of violence.

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

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

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

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

(g) 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.

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

(i) Must not have been dishonorably discharged from the armed forces.

(j) Must not have renounced their citizenship after having been a citizen of the United States.

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

(l) Must not be on the voluntary restricted list (Utah Code § 53-5a-504).

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.

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Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension, or revocation of Park City Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Utah law (18 USC § 926C; Utah Code 53-5a-303).

207.2 QUALIFIED RETIREES/FORMER OFFICERS

Any former officer who departs full-time employment as an officer, in an honorable manner, shall be issued a concealed firearm permit within five years of that departure if the officer meets the requirements of Utah Code 53-5-704.

(a) For the purpose of this policy, “qualified retired or former officer” includes all peace officers who have qualified for, and accepted, a service or disability retirement or has departed in an honorable manner.

(b) No “CWL Approved” endorsement shall be issued to any officer retiring or departing employment because of a psychological disability.

207.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that they are not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify them as having been employed as an officer.

If the Park City Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when they are:

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(a) In possession of photographic identification that identifies them as having been employed as a law enforcement officer and one of the following:

1. An indication from the person's former law enforcement agency that they have, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Utah law or by a private person or entity on their property if such prohibition is permitted by Utah law.

207.4 FORMER OFFICER RESPONSIBILITIES

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

207.4.1 RESPONSIBILITIES UNDER LEOSA

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state, and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that they are not prohibited by law from receiving or possessing a firearm.

207.5 DENIAL, SUSPENSION, OR REVOCATION

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

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207.6 FIREARM QUALIFICATIONS

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

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Training

208.1 PURPOSE AND SCOPE

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

208.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and Utah Peace Officer Standards and Training Division (POST) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

208.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of department members.

(c) Provide for continued professional development of department members.

(d) Ensure compliance with POST rules and regulations concerning law enforcement training.

208.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Sergeant. It is the responsibility of the Training Sergeant 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) a minimum of 4 hours of department approved.

The plan should also address the following Department requirements:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

208.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

(a) Federally mandated training:

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1. National Incident Management System (NIMS) training

(b) State-mandated training:

1. Compliance with POST-mandated annual certified training of not less than 40 hours which shall include training focused on arrest, control, and de-escalation (Utah Code 53-6-202(4)).
2. Part of the 40-hour POST-mandated training shall focus, at least every three years, on the following (Utah Code 53-6-202(5)):
   (a) Mental health and other crisis intervention responses
   (b) Intervention responses for mental illnesses, autism spectrum disorder, and other neurological and developmental disorders
   (c) Responses to sexual traumas and investigations of sexual assault and sexual abuse
3. Firearms qualifications.
4. Emergency vehicle operations.
5. Arrest control tactics (defensive tactics).

(c) Department-required training:

1. Legislative changes
2. State-mandated training
3. Critical issues training

208.4.2 ADDITIONAL TRAINING

The following list, while not all-inclusive, identifies training that is required by the Utah Chiefs of Police Association accreditation standards:

(a) Every member appointed or promoted to a first-level supervisory position shall successfully complete department-approved supervisory training within three years of such appointment or promotion.

(b) Every member appointed or promoted to a mid-level management position shall successfully complete department-approved management training within three years of such appointment or promotion.

208.5 TRAINING COMMITTEE

The Training Sergeant shall establish a Training Committee, on a temporary or as-needed basis, that will assist with identifying training needs.

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

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

(a) Any incident involving the death or serious injury of a member.

(b) Incidents involving a high risk of death, serious injury, or civil liability.

(c) Incidents identified by the Department to determine possible training needs.

The Training Committee should convene on a regular basis, as determined by the Training Sergeant, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Sergeant. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Training Sergeant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and the available resources. Training recommendations as determined by the Training Sergeant shall be submitted to the command staff for review.

208.6 TRAINING ATTENDANCE

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

1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member's participation
5. Emergency situations or department necessity

(b) Any member who is unable to attend training as scheduled shall notify their supervisor as soon as practicable, but no later than one hour prior to the start of training and shall:

1. Document the absence in a memorandum to their supervisor.
2. Make arrangements through the member's supervisor or the Training Sergeant to attend the required training on an alternate date.

208.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Park City Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Sergeant.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Training Sergeant. Members should not share their password with others and should frequently

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change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

208.8 REPORTING

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

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Budget Management

209.1 PURPOSE AND SCOPE

This policy provides guidelines for department budget management and accounting.

209.2 POLICY

The Park City Police Department endeavors to appropriately obtain, manage, review, and audit department funds

209.3 BUDGET PREPARATION AND MANAGEMENT

Each Bureau Captain or the authorized designee shall be responsible for preparing an annual budget proposal for review by the Chief of Police.

Adopted budgets should be reviewed and monitored periodically by Bureau Commanders so expenditures do not exceed allocated funds.

209.3.1 ACCOUNTING

The Operations Bureau Captain or designee shall be responsible for developing and maintaining accounting procedures that include approval of each account and provisions for quarterly status reports, including but not limited to:

- The initial appropriation for each account or program.
- Balances at the commencement of each reporting period.
- Expenditures and encumbrances made during the reporting period.
- The unencumbered balance of the account or program.

Accounting practices for cash accounts are described in the Cash Handling, Security, and Management Policy.

209.4 AUDITS

Audits of the department's fiscal activities should occur in accordance with City policy and procedure.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control while protecting the safety of the officer and others. Officers shall use force only when no reasonable effective alternative appears to exist and shall use only the level of force which is a reasonably prudent officer would use under the same or similar circumstances. 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 (UAC R728-507-3):

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 on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

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

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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 (UAC R728-507-5).

300.2.1 DUTY TO INTERVENE 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, intervene to prevent the use of unreasonable force (UAC R728-507-10).

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 shall report these observations to a supervisor as soon as feasible (UAC R728-507-10).

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (UAC R728-507-10).

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 (UAC R728-507-5).

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 (UAC R728-507-5).

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 (UAC R728-507-5).

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 (UAC R728-507-5).

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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 the officer's efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose the officer's right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Utah Code 77-7-7; UAC R728-507-5).

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, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to (UAC R728-507-5; UAC R728-507-7):

(a) Immediacy and severity of the threat to officers or others.

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

(c) 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).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

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

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.

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

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

(k) Training and experience of the officer.

(l) Potential for injury to officers, suspects, and others.

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

(n) The risk and reasonably foreseeable consequences of escape.

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

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

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

(r) Any other exigent circumstances.

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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 (UAC R728-507-7). Officers utilizing any pain compliance technique should consider:

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

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

(c) 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 (UAC R728-507-7).

300.3.4 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) (UAC R728-507-5).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Park City Police Department for this specific purpose.

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 (UAC R728-507-7).

300.3.7 DEFENSIVE TACTICS

Officers who have successfully completed department-approved training may apply defensive tactic techniques, including but not limited to focused strikes that involve the use of empty-hand techniques and contact control measures (UAC R728-507-8).

300.3.8 KNEE ON NECK RESTRAINT

An officer shall 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).

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300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify the officer 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 (UAC R728-507-6).

Use of deadly force is justified in the following circumstances involving an imminent threat or an imminent risk (Utah Code 76-2-404; UAC R728-507-6):

(a) An officer may use deadly force to protect the officer or an individual other than the suspect from what the officer reasonably believes is an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to an individual other than the suspect if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, an officer shall not use deadly force against a person whose actions are a threat solely to themself or property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

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 is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force (UAC R728-507-6).

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 (UAC R728-507-6).

An officer shall 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 (UAC R728-507-6).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (UAC R728-507-6).

An officer shall not discharge a firearm from a moving vehicle, except in exigent circumstances. In these situations, an officer must have articulable reason for this use of deadly force.

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300.4.2 USE OF FORCE REPORT FORM/ADMINISTRATIVE REVIEW

Following the use of force against any subject, a Use of Force Report Form will be completed and forwarded to the officer's supervisor and the following guidelines and policies followed:

(a) Reporting Use of Force

1. A "Use of Force Report" will be prepared by an officer when that officer is involved in any situation where lethal and/or less than lethal force is used by or toward the officer that results in injury, complaint of injury, or that such force used could cause reasonable belief that injury may exist. Additionally, a "Use of Force Report" will be prepared whenever any action, including weaponless use of force, that results in, or is alleged to have resulted in, injury or death of another person.
2. Responsibility for the notification of the appropriate supervisor within the officer's chain of command shall rest with the officer involved in the incident.
3. The officer's supervisor will immediately proceed to the scene, if available, to conduct the necessary follow-up investigation into all use of force incidents. In those instances where a suspect or officer must be transported to a treatment facility prior to the supervisor's arrival, the supervisor shall meet with the officer at such treatment facility as soon as practical.
4. If the employee is off-duty, the same procedures shall be followed.
5. The supervisor shall gather all information necessary through interview and examination of evidence to complete the supervisor's portion of the "Use of Force Report." The officer's and supervisor's completed report shall be forwarded to the appropriate Bureau Lieutenant within twenty-four hours from the time of the incident. A copy of the completed "Use of Force Report" and the completed case report shall be forwarded to the Chief of Police within seventy-two hours of the incident.
6. The "Use of Force Report" is considered as supplemental documentation and shall not replace the need for preparation of the initial incident report or any other required report.

(b) Administrative Review of Use of Force Incidents

1. The "Use of Force Report" is prepared as an internal administrative instrument. This report shall not be released to persons or agencies outside the Department without prior approval from the Chief of Police or City Attorney's Office or the City Manager.
2. Responsibility for the maintenance of the "Use of Force Report" files and the data collection process shall rest with the department administration. These files shall not be considered part of an employee's personnel file or disciplinary record.
3. The Operations Section Captainshall be responsible for the collection, review, analysis, and dissemination of information gained from the "Use of Force Reports." This examination will include the following determinations:
   (a) whether or not Department policy and procedures were adhered to;

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(b) whether or not policy and procedures are clearly understandable to the employee and effective to cover the situation;

(c) whether or not Department training is currently adequate; and

(d) whether or not Department equipment is currently adequate.

4. All findings of procedural violations or training requirements shall be reported to the Chief of Police for resolution.

5. A written, yearly analysis summarizing use of force incidents shall be submitted to the Chief of Police for publication in the department's annual report.

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 the officer 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 may require the completion of additional report forms, as specified in department policy, procedure, or law (UAC R728-507-7). See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

(e) Any application of the conducted energy device or control device.

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

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

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

300.5.2 REPORTING THE THREAT OF FORCE

When an officer points a firearm at an individual, the officer shall report the incident in accordance with Utah Code 53-13-116 and UAC R728-507-12.

Reports shall be submitted within 48 hours of the incident and should include at a minimum (Utah Code 53-13-116; UAC R728-507-12):

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(a) A description of the incident.

(b) 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 (UAC R728-507-7; UAC R728-507-11). Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the 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 (UAC R728-507-11). 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, 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 (UAC R728-507-11).

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to (UAC R728-507-12):

(a) 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.

(b) Ensure that any injured parties are examined and treated.

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(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived the individual's *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

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

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate (UAC R728-507-10).

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

300.7.1 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant 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.

300.8 TRAINING

Officers shall receive annual 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.

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300.9 USE OF FORCE ANALYSIS

At least annually, the Field Operations Bureau Commander or designee should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Park City Police Department to review the use of force by its employees.

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment.

However, any member who uses deadly force shall be removed from line duty assignment pending an administrative review.

301.4 REVIEW BOARD

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

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

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

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

301.4.1 COMPOSITION OF THE BOARD

The Administration Bureau Commander should staff the Use of Force Review Board with five individuals from the following, as appropriate:

- Representatives of each Bureau
- Command staff representative from the involved member's chain of command

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- Training Sergeant
- Non-administrative supervisor
- A peer officer/department member
- A law enforcement officer from an outside law enforcement agency, as appropriate
- Department instructor for the type of weapon, device, or technique used

The senior ranking command staff representative who is not in the same Bureau as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

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

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information, and 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 Park City Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement, and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

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

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

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actions, investigations, or reviews are appropriate. Those findings will be forwarded to the involved employee's Bureau Commander and Lieutenant over Internal Affairs investigations 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.

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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 Park City Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force (Utah Code 77-7-1).

302.3 USE OF RESTRAINTS

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

When deciding whether to use any restraint, 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 in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain 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. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

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

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determination that such restraints are necessary for the safety of the detainee, officers, or others. See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

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.

302.4 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 in order to avoid risk every person should be handcuffed, regardless of the circumstances.

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

In situations where one pair of handcuffs does not appear sufficient to restrain the 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.

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

302.5 APPLICATION OF SPIT HOODS/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 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

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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 restraints, 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 the course of 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:

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

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

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

(a) If practicable, 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.

(b) 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.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.

(d) 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 their stomach.

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

302.8 REQUIRED DOCUMENTATION

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

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the suspect was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person’s behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

The Training Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

(e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

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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 Park 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 in order to minimize injuries and unintentional targets.

303.4

303.4.1 RESPONSIBILITIES

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

303.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all 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 Rangemaster or 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.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 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 in an attempt to de-escalate a potentially deadly situation.

303.5.1 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 officers 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 the following examples:

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

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

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

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

303.5.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as

(a) Distance and angle to target.
(b) Type of munitions employed.
(c) Type and thickness of subject's clothing.
(d) The subject's proximity to others.
(e) The location of the subject.
(f) 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. An example of an

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acceptable verbal warning would be: "You will be hit with a rubber bullet, if you do not comply with my verbal commands.

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 officers reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

303.5.3 SAFETY PROCEDURES

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

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.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

303.5.4 TRAINING FOR CONTROL DEVICES

The Training Officer shall ensure that all personnel who are authorized to carry a control device have been properly trained to carry the specific control device and are retrained as necessary;

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
(b) All training and proficiency for control devices will be documented in the officer's training file.
(c) 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 and 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.

303.5.5 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

303.6 REMOTE RESTRAINT DEVICE

This section provides guidelines for the issuance and use of BolaWrap™ 100 devices in order to minimize injury to suspects, subjects, and officers.

The BolaWrap™ 100 device is intended to immobilize and control resistive/non-compliant persons and persons with known or suspected mental health issues. The BolaWrap™ 100 is a hand-

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held remote restraint device that discharges an eight-foot bola style Kevlar tether to entangle an individual at a range of 10-25 feet.

303.6.1 ISSUANCE AND CARRYING BOLAWRAP™ 100 DEVICES

The following guidelines shall be adhered to:

(a) Only a department-approved BolaWrap™ 100 device that has been issued by the Department shall be utilized by personnel.

(b) Only members who have successfully completed department-approved training may be issued and carry the BolaWrap™ 100 device.

(c) All BolaWrap™ 100 devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(d) Uniformed officers who have been issued the BolaWrap™ 100 device shall wear the device in an approved holster on their person.

(e) Non-uniformed officers may secure the device in the driver's compartment of their vehicle.

(f) Officers shall be responsible for ensuring that their issued BolaWrap™ 100 device is properly maintained and in good working order.

(g) Officers should not hold both a firearm and the BolaWrap™ 100 device at the same time.

303.6.2 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the "remote restraint" 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:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the BolaWrap 100 device may be deployed.

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 BolaWrap™ 100 device in the related report.

303.6.3 USE OF THE BOLAWRAP™ 100 DEVICE

The BolaWrap™ 100 device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the BolaWrap™ 100 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.

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303.6.4 APPLICATION OF THE BOLAWRAP™ 100 DEVICE

The B olaWrap 100 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:

(a) The subject is violent or is physically resisting.

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

(c) The officer has reasonable suspicion to believe the subject is or may be suffering from a behavioral health crisis, or under the influence of alcohol or drugs, or is/has demonstrated passive non-compliance, including an attempt to walk or run away where the officer has reason to stop and or detain the individual.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the BolaWrap™ 100 device to apprehend an individual.

303.6.5 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the BolaWrap™ 100 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:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals who are handcuffed or otherwise restrained.

(d) Individuals detained in a police vehicle.

(e) Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.

(f) Individuals near any body of water that may present a drowning risk.

(g) 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.

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

(i) The officer has reasonable suspicion to believe the subject is or may be suffering from a behavioral health crisis, or under the influence of alcohol or drugs, or is/has demonstrated passive non-compliance including an attempt to walk or run away where the officer has reason to stop and or detain the individual.

The BolaWrap™ 100 device shall not be used to psychologically torment, elicit statements or to punish any individual.

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303.6.6 TARGET 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 BolaWrap™ 100 device to a precise target area, officers should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

303.6.7 MULTIPLE APPLICATIONS OF THE BOLAWRAP™ 100 DEVICE

If the first application of the BolaWrap™ 100 device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the device, including:

(a) Whether the Kevlar cord or pellets/barbs are making proper contact.

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

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

303.6.8 ACTIONS FOLLOWING DEPLOYMENTS

(a) Personnel shall request a supervisor to the scene.

(b) The supervisor shall determine whether transporting the person to a medical facility is necessary to remove the pellets/barbs.

(c) If the supervisor determines that removal of the Kevlar cord is appropriate at the scene, the supervisor or officer shall remove the Kevlar cord using the department issued BolaWrap™ 100 cutter.

(d) The expended cartridge, pellets/barbs and Kevlar cord should be collected and submitted into evidence.

303.6.9 REPORTING THE USE OF THE BOLAWRAP™ 100

(a) The deployment of the BolaWrap™ 100 shall be documented by the officer and/or supervisor using the department approved BolaWrap™ 100 Evaluation form.

(b) The supervisor shall determine whether further documentation of the incident is necessary, in accordance with department policy.

(c) The supervisor shall also determine whether the barbs/pellets, cartridge case, or Kevlar cord should be collected as evidence, in accordance with department policy.

303.6.10 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department BolaWrap™ 100 devices while off-duty.

Officers shall ensure that BolaWrap™ 100 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.

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303.6.11 DOCUMENTATION

Officers shall document all BolaWrap™ 100 device discharges in the related arrest/crime report, in a Use of Force Form and body camera video. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person and laser activation will also be documented on the report form.

303.6.12 BOLAWRAP™ 100 DEVICE REPORT FORM

Items that shall be included in the BolaWrap™ 100 device report form are:

(a) The BolaWrap™ 100 device & cartridge serial numbers.

(b) Date, time and location of the incident.

(c) Whether any display or laser deterred a subject and gained compliance.

(d) The number of BolaWrap™ 100 device activations and the duration between activations, and (as best as can be determined).

(e) The range at which the BolaWrap™ 100 device was used.

(f) Location of any deployments impact.

(g) Description of where missed deployments went.

(h) Whether medical care was provided to the subject.

(i) Whether the subject sustained any injuries.

(j) Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. BolaWrap™ 100 device information and statistics, with identifying information removed, should periodically be made available to the public.

303.6.13 REPORTS

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

(a) Identification of all personnel firing BolaWrap™ 100 devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject’s physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

303.6.14 MEDICAL TREATMENT

All persons who have been struck by BolaWrap™ 100 device pellets/barbs shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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

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(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The BolaWrap™ 100 device pellets/barbs are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 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 a 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 BolaWrap™ 100 device.

303.6.15 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is likelihood the BolaWrap™ 100 device may be used. A supervisor should respond to all incidents where the BolaWrap™ 100 device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the BolaWrap™ 100 device. Photographs of should be taken, including if the skin is penentrated, and witnesses interviewed.

303.6.16 TRAINING

Personnel who are authorized to carry the BolaWrap™ 100 device shall be permitted to do so only after successfully completing the initial department-approved training. Proficiency training for personnel who have been issued BolaWrap™ 100 devices should occur every two years. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for BolaWrap™ 100 devices will be documented in the officer's training file.

Command staff, supervisors, and investigators should receive BolaWrap™ 100 device training as appropriate for the investigations they conduct and review.

Officers who do not carry BolaWrap™ 100 devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Sergeant is responsible for ensuring that all members who carry BolaWrap™ 100 devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of BolaWrap™ 100 devices during training could result in injury to personnel and should not be mandatory for certification.

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The Training Sergeant should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Target area considerations,to include techniques or options to reduce the unintentional application of pellets/barbs near the head, neck, chest, and groin.

(d) Handcuffing a subject during the application of the BolaWrap™ 100 device and transitioning to other force options.

(e) De-escalation techniques.

(f) Restraint techniques that do not impair respiration following the application of theBolaWrap™ 100 device.

303.7 TRAINING FOR CONTROL DEVICES

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

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

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

(c) 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.

303.8 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

304.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING CEDS

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

The Rangemaster should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs 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 inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.

(c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED 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:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails 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, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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 CED in the related report.

304.5 USE OF THE CED

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

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

304.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) 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, themself, or others.

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED 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 potential risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

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(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) 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.

304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

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

(d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should

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be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

304.5.7 TASER CAM™

The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the officer intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the department records retention schedule.

304.5.8 OFF-DUTY CONSIDERATIONS

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

Officers shall ensure that CEDs 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 CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form (Utah Code 53-13-116; UAC R728-507-12). Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

304.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

(a) The brand, model, and serial number of the CED and any cartridge/magazine.

(b) Date, time, and location of the incident.

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

(d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CED was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

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(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

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

(a) Identification of all personnel firing CEDs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication, or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

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

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

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

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If

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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/video 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 CED (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

304.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

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

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

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

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

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Sergeant should include the following training:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.

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(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.

(e) Scenario-based training, including virtual reality training when available.

(f) Handcuffing a subject during the application of the CED and transitioning to other force options.

(g) De-escalation techniques.

(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

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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 as a result 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 TYPES OF INVESTIGATIONS

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

(a) A criminal investigation of the suspect's actions.

(b) A criminal investigation of the involved officer's actions.

(c) An administrative investigation as to policy compliance by involved officers.

(d) A civil investigation to determine potential liability.

305.3 CONTROL OF INVESTIGATIONS

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

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

305.3.1 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

305.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer’s conduct during the incident will be determined by the employing agency’s protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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.

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305.3.3 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

305.4 INVESTIGATION PROCESS

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

305.4.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved PCPD 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.

305.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved PCPD 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 PCPD 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.

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(c) Provide all available information to the Shift Sergeant 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 PCPD 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 PCPD officer should be given an administrative order not to discuss the incident with other involved officers or PCPD 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.

305.4.3 SHIFT SERGEANT RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the Shift Sergeant.

305.4.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Investigation Bureau Commander
- officer-involved shooting rollout team
- Outside agency investigators (if appropriate)
- Office of Professional Standards supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Press Information Officer
- County Attorney (Utah Code 76-2-408)

305.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

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1. Involved PCPD 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.
2. Requests from involved non-PCPD 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 PCPD officer. A licensed psychotherapist may also be provided to any other affected PCPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. 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.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Communications between the involved officer and a peer support member are addressed in the Wellness Program Policy.

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 PCPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

305.5 CRIMINAL INVESTIGATION

The 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 Attorney's Office to avoid duplicating efforts in related criminal investigations.

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

(a) PCPD supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of PCPD officers. This will not prohibit

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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, in order 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.

305.5.1 REPORTS BY INVOLVED PCPD OFFICERS

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

While the involved PCPD 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 PCPD 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.

305.5.2 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.

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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.

305.5.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations 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 and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations 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 Bureau Commander.

305.5.4 STATUTORY MANDATES RELATED TO CRIMINAL INVESTIGATIONS OF CRITICAL INCIDENTS

The Shift Sergeant shall notify the County Attorney as soon as practical if the following critical incidents occur within the jurisdiction of the Park City Police Department, whether or not 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

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incident, as appropriate, and may jointly designate a lead agency if more than one agency will be involved. An agency other than the Park 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).

305.6 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 the Office of Professional Standards 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, in order 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

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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. The Office of Professional Standards 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.

305.7 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.

305.8 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 County Attorney’s Office, as appropriate.

305.9 DEBRIEFING

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

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305.9.1 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.

305.10 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 Shift Sergeant, Investigation Bureau Commander and Press Information Officer in the event of inquiries from the media.

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

305.10.1 DEPARTMENT WEBSITE

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

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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 Park 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.

306.2.1 SHOTGUN AND PATROL RIFLE POLICY

Officers assigned to patrol operations are permitted to carry an agency issued shotgun or agency issued AR-15 rifle after qualification for the designated weapon. For the purpose of this policy, both weapons shall be referred to as long guns. Each shall be carried in a secure rack as provided in patrol vehicles. Long guns will be assigned by the equipment sergeant based on the type of weapon available.

Use of the Long Gun

- Increased awareness of background and environment will be applied during long gun deployment.
- While this is not intended to be an all-inclusive or exclusive, the officers, who are trained and are qualified to carry a department issued long gun, should be cognizant of those types of calls where display or use of the long gun would be inappropriate. The use of the long gun is intended for those critical life-threatening situations in which the department issued side arm would not adequately provide the proper protection needed for the citizens of Park City and the officers of the Park City Police Department.
- Officers participating and carrying the department issued long gun shall notify a supervisor and provide a verbal report whenever the weapon is displayed, followed by a written "Use of Force" report, as soon as practical.

Only ammunition that is department authorized shall be carried for duty use in the long guns. The department will supply and provide duty and training ammunition.

All accessories shall be approved by the firearms staff and must be approved prior to installation. Inspections on the weapons will be conducted at least bi-annually and at the discretion of the firearms staff. Officers who fail to pass the required department qualification courses will not be authorized to carry or use the long guns in a duty related function until a passing score and approval from the firearms staff. Officers carrying the AR-15 will be required to show a minimum

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score of 90% of the total possible score for the qualification course. Officers carrying a department issued shotgun will be required to show a minimum score of 80% of the total possible score for the qualification course.

The long guns should be removed from the police vehicle and stored in a secure location at the end of the officer's shift. The weapons should not remain in the police vehicle for extended periods of non-use of the police vehicle, such as the officer's days off or when the vehicle is being serviced or repaired.

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 Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm 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 Bureau 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 Glock Model 17, 19, 45, or 34, 9mm. The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Glock	17, 19, 45, 34, & any Glock 9mm for non-uniformed	9mm

306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Mossberg 590. The following additional shotguns are approved for on-duty use:

Make	Model	Caliber
Remington	1187	12 gauge
Remington	870	12 gauge

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

306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15. The following additional patrol rifles are approved for on-duty use:

Make	Model	Caliber

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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 and on the department list of approved firearms.

(b) The firearm shall be inspected by the Rangemaster 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, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

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 on the department list of approved firearms.

(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.

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(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster 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 Rangemaster, who will maintain a list of the information.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

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

(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their badges and Park City Police Department identification cards under circumstances requiring possession of such identification.

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306.3.7 AMMUNITION
Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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

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

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

Firearms that are the property of the 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 Rangemaster.

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

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

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

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

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Handguns that are Micro Red Dot Sight (MRDS) compatible are only approved with a milled slide from the manufacturer:

(a) in order to carry a handgun with an MRDS, members will be required to attend a Department 2 hour training course.

(b) The Range staff will mount and inspect all MRDS equipment prior to the training class.

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

306.5 SAFE HANDLING, INSPECTION AND STORAGE

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

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) 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.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION 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

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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 barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.5.2 STORAGE AT HOME

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

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, 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 with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

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

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

    1. Unauthorized range make-up

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2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.6.2 REQUIREMENTS PRIOR TO CARRYING

Before being authorized to carry a firearm, officers shall be issued copies of, and demonstrate understanding of, this policy and the Use of Force Policy.

306.7 FIREARM DISCHARGE

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Bureau Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat 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, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.7.2 INJURED ANIMALS

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 a domestic 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. However, if the

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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)).

306.7.3 WARNING AND OTHER SHOTS
Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

306.8 RANGEMASTER DUTIES
The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Coordinatorafter each range date.

The department Rangemaster has the right to remove any member of the department from the range who egregiously violates a firearms safety rule. Members of the department may also be removed from the firearms range if they engage in any conduct defined in Lexipol Policy ‘Employee Discipline 340.3.2: Conduct. If a member of the department is removed from the range for any violation or misconduct, the firearms instructors shall immediately notify the training coordinator, and submit a memo of the incident to the training coordinator.

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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of the Department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his/her personally owned weapon and it will not be returned to service until inspected by the Rangemaster.

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

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

306.9 FLYING WHILE ARMED
The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who

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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 Park 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 Park 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 Park 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 concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) 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 Park City Police Department identification card whenever carrying such firearm.

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(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.

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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 (UAC R728-503-2):

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

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(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.

307.2 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

(a) 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):

1. The suspect exhibits the intention to avoid apprehension through evasive or unlawful tactics.
2. The suspect operating the vehicle refuses to stop at the direction of the officer.
3. The suspect's actions are such that failure to pursue would further enhance the danger presented to the public.

(b) Department vehicles that do not possess operable emergency vehicle equipment and an operable police radio will not be involved in a pursuit. Factors that individually and collectively shall be considered in deciding whether to initiate or continue a pursuit are (UAC R728-503-4):

1. The performance capabilities of the pursuit vehicle.
2. The condition of the road surface upon which the pursuit is being conducted.
3. The amount of vehicular and pedestrian traffic in the area.
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5. The offense for which the subject will be pursued.
6. Any potential or existing hazards.
7. Familiarity with the area and road.
8. Any other pertinent factors.

307.2.2 WHEN TO TERMINATE A PURSUIT

rsuits 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 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):

(a) 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.

(b) Pursued vehicle's location is no longer definitely known.

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

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

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

(f) 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 at a later time.

(g) The pursuit is terminated by a supervisor.

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

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

(j) Air support is available to track the suspect.

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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, notify dispatch that they have terminated their role in the pursuit, and 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:

(a) Pursuit speeds have become unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) 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 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

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

(b) 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).

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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:

(a) Unit identification.

(b) Location, speed and direction of travel of the fleeing vehicle.

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

(d) Number of known occupants.

(e) The identity or description of the known occupants.

(f) Reason for initiating the pursuit.

(g) 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 in order 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:

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

(b) 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.

(c) 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:

(a) 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.

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

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1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units should exercise due caution when proceeding through controlled intersections.

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

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

(e) 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 (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 in order 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 so as 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 or not 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.

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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:

(a) Ensure proper radio channels and procedures are in use.

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

(c) Ensure only the necessary numbers of units are involved.

(d) Ensure allied agencies are notified.

(e) Consider aborting the pursuit if cause exists.

(f) Consider air support availability and practicality.

(g) Ensure post-incident notifications.

(h) Ensure that proper written reports are completed and forwarded to the Bureau Commander (UAC R728-503-6).

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 SHIFT SERGEANT RESPONSIBILITY

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

The Shift Sergeant shall review all pertinent reports for content and forward to the Bureau 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 (UAC R728-503-5).

Communications personnel also shall:

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

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

(c) Perform relevant record and motor vehicle checks.

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

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

(f) 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 Park 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.

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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:

(a) The department's ability to maintain the pursuit.

(b) Whether the circumstances are serious enough to continue the pursuit.

(c) Whether there is adequate staffing to continue the pursuit.

(d) The public's safety within this jurisdiction.

(e) The safety of the pursuing officers.

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

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 in light of 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

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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.

(a) 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.

1. 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.
2. Channelization is considered a forcible stop technique, but does not require the justification of deadly force.

(b) 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.

1. 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.
2. 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.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officers' 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 as a means to stop a fleeing vehicle, the following factors should be present:

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

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reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) 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.

1. 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.
2. Boxing-in shall not be used when it is necessary to use citizens to effect the maneuver.

(e) 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.

(f) 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:

1. Allow the suspect vehicle reasonable stopping distance.
2. Not place themselves or their vehicle in a position that would jeopardize the safety of the officers involved.
3. Not place vehicles in a position that is not reasonably visible to the suspect.
4. 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 reasonably appears necessary under the circumstances to properly perform their lawful duties.

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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 primary officer shall complete the appropriate crime/arrest reports. A pursuit report should minimally contain:

(a) Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.

(b) The violation that caused the pursuit to be initiated.

(c) The identity of the officers involved in the pursuit.

(d) The means or methods used to stop the suspect being pursued.

(e) The charges filed with the court by the prosecuting attorney.

(f) The conditions of the pursuit, including, but not limited to, all of the following:

1. Duration
2. Mileage
3. Number of officers involved
4. Maximum number of units involved
5. Time of day
6. Weather conditions
7. Maximum speeds

(g) Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.

(h) Whether the pursuit involved multiple agencies.

(i) How the pursuit was terminated.

(j) After first obtaining available information, the supervisor shall promptly complete a supervisor’s report, briefly summarizing the pursuit, to command staff. This memo should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition: arrest, citation, arrestee information if applicable
7. Injuries and/or property damage

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8. Medical treatment
9. Name of supervisor at scene
10. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.

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 certify in writing that he/she has received, read and understands this policy initially and upon any amendments.

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 Bureau Commander of the involved officer.

The Bureau 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.

307.8.4 CHIEF/SHERIFF REVIEW

The Chief of Police shall review each pursuit that results in injury or property damage and determine whether involved members complied with department policies. The Chief of Police shall document and appropriately remedy any policy violations through the disciplinary process (Utah Code 41-6a-212).

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.

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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.

308.1.1 DEFINITIONS

The standards established in the below definitions must be met and justified by any officer involved in any emergency response as outlined, whether or not the incident is successfully resolved without accident or injury. The following definitions apply in this policy:

EMERGENCY RESPONSE - is the operation of a police vehicle in a situation where the officer is aware that he is responding to a situation with life or death implications.

IMMEDIATE ASSISTANCE WITHOUT DELAY - A situation where personal injury is likely to occur if assistance is delayed, or a situation where an officer requests immediate assistance in relieving the present threat of serious injury to himself or another person.

CRIMES IN PROGRESS - A situation where the crime is being committed in view or presence of the reporting party and personal injury is likely to occur if assistance is delayed, or a crime is occurring where an officer requests immediate assistance in relieving the present threat of serious injury to himself or another person.

SERIOUS INJURY CRIME - a felony involving an actual or threatened attack which the officer has reasonable cause to believe could or has already resulted in death or serious bodily injury such as aggravated assault, armed robbery, murder, or rape.

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

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has stabilized and emergency response is not required, the requesting officer shall immediately notify the Dispatch Center.

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

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

308.3.1 NUMBER OF UNITS ASSIGNED
Normally, only one vehicle should respond to an emergency call Code-3 unless the Shift Sergeant 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 that he/she will be responding Code-3 and give the location he/she is responding from. 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 Shift Sergeant or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

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 Shift Sergeant 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.

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(b) Immediately notify the Shift Sergeant.

(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 Shift Sergeant or field supervisor.

308.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Shift Sergeant 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 Shift Sergeant 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 Shift Sergeant, field supervisor, or the Dispatch Center of the equipment failure so that another vehicle may be assigned to the emergency response.

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Domestic Violence and Violations of Court Orders

309.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent, and reduce domestic violence and violations of court orders through vigorous enforcement and to address these offenses as serious crimes 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 and violations of court orders (Utah Code 53-25-1102).

309.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All orders related to domestic violence, jail release agreements, jail release court orders, protective orders, and stalking injunctions that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - 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 by one cohabitant against another.

Protective order - A protective order or ex parte protective order including Child Protective Orders, Dating Violence Protective Orders, Sexual Violence Protective Orders, Cohabitant Abuse Protective Orders, Criminal Protective Orders, and Workplace Violence Protective Orders (Utah Code 53-25-1101).

Stalking injunction - A civil or criminal injunction or ex parte injunction (Utah Code 53-25-1101).

Jail release agreement - A written agreement specifying release conditions for a suspect who is arrested or issued a citation for a domestic violence offense (Utah Code 53-25-1101; Utah Code 78B-7-801).

Jail release court order - A court order specifying release conditions for a suspect who is arrested or issued a citation for a domestic violence offense (Utah Code 53-25-1101; Utah Code 78B-7-801).

309.2 POLICY

The Park City Police Department's response to incidents of domestic violence and violations of court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence and court order violations are 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.

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309.3 OFFICER SAFETY

The investigation of domestic violence and court order violations 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.

309.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence and court order violations:

(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 at the time of the offense. The names of other children who may be affected but who are not present at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted officers should 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 Investigations 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) Firearms or other dangerous weapons should be seized, if appropriate and legally permitted, for safekeeping or as evidence (Utah Code 76-5-106.5; Utah Code 77-36-2.1; Utah Code 78B-7-408).

(i) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.

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5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

(j) If the offense is alleged against an intimate partner, the officers shall conduct the lethality assessment protocols required by Utah Code 77-36-2.1. The lethality assessment shall be recorded on the appropriate form and the results submitted to the Department of Public Safety while on scene or as soon as reasonably practicable (Utah Code 77-36-2.1).

309.4.1 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 staff to enable notification of the victim upon the suspect's release from jail.

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

309.4.2 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 assistance).

(b) Document the resolution in a report.

309.5 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 violations of court orders (Utah Code 77-36-2.1; Utah Code 78B-7-113; Utah Code 78B-7-408):

(a) Officers who respond to allegations of domestic violence and violations of court orders shall use all reasonable means to protect the victim, prevent further violence, and enforce court orders.

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(b) 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.

(c) Victims shall also be alerted to any available victim advocates, shelters, and community resources and advised of the results of the lethality assessment if applicable.

(d) 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.

(e) If the victim has sustained injury or complains of pain, the officer shall seek medical assistance for the victim as soon as practicable.

(f) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.

(g) 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.

(h) If appropriate, officers shall seek or assist the victim in obtaining an emergency order.

(i) When applicable, the victim should be provided with the required information from the Department of Public Safety regarding the right to voluntarily turn over a firearm to a law enforcement agency for safekeeping.

309.6 DISPATCH ASSISTANCE

All calls of domestic violence or violations of court orders, 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.

309.7 SERVICE OF COURT ORDERS

When an officer serves an individual with a protective order which causes the individual to be a restricted person under Utah Code 76-11-302 or Utah Code 76-11-303, the officer shall verbally provide the individual with the appropriate firearm restriction notifications in accordance with Utah Code 76-11-309 and request the individual's signature on the acknowledgment contained within the protective order document.

309.8 INVESTIGATIONS OF VIOLATIONS OF COURT ORDERS

Officers should comply with the following when investigating violations of court orders:

(a) Officers should confirm the existence and terms of a court order and determine whether the suspect has been properly served or was present when the order was issued

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1. Officers should use the statewide domestic violence network to verify an order issued by or registered with a court in this state and determine whether it has been violated (Utah Code 78B-7-113).
2. Officers may rely upon a copy of a court order, the statements of the victim, or other reliable information to determine whether there is probable cause to believe that a foreign court order exists and has been violated (Utah Code 78B-7-304; Utah Code 78B-7-116).

(b) If an order exists but cannot be enforced because the suspect has not been served, officers should notify the suspect of the order's existence and make a reasonable effort to serve it (Utah Code 78B-7-304).

(c) Officers should make reasonable attempts to determine whether a suspect has prior violations of court orders.

1. Prior convictions should be documented in appropriate reports for consideration in charging and bail decisions.
2. Repeat offenders should be properly charged in accordance with Utah Code 77-35-1.1.

309.8.1 FOREIGN COURT ORDERS

Various types of orders may be issued by other jurisdictions 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; Utah Code 78B-7-116; Utah Code 78B-7-304). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

309.8.2 CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS

If there is probable cause to believe a valid Canadian domestic violence protection order exists and has been violated, an officer shall enforce the terms of the order as if it were the order of a court in this state (Utah Code 78B-7-1202).

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Lethality Assessment Program

310.1 PURPOSE

To establish protocol and implement the use of the Lethality Assessment Program —Maryland Model (LAP) at domestic violence and dating violence calls for service.

310.2 POLICY

It is the policy of the Park City Police Department to use the Lethality Assessment at the scene of a domestic violence or dating violence incident to identify victims of domestic violence and/or dating violence in potentially lethal situations, and follow the established criteria to place those victims in immediate and direct contact with a victim service program hotline advocate. Officers administering the Lethality Assessment shall ask the victim the lethality assessment questions; and when a victim is assessed as being in High-Danger, call Peace House and ask the victim to speak with a hotline advocate.

310.3 DEFINITIONS

Domestic violence/abuse - “Domestic violence” has the same meaning as in Section 77-36-1 of the Utah Code of Criminal Procedure.

Dating violence/abuse - “Dating Abuse” has the same meaning as in Section 78B-7-402(1) of the Utah Judicial Code.

Dating relationship - “Dating relationship” has the same meaning as in Section 78B-7-402(3) (a) of the Utah Judicial Code.

Cohabitant - “Cohabitant” means the same as in Section 78B-7-102 of the Utah Judicial Code.

Dating Partner - “Dating partner” means the same as in Section 78B-7-402(2) (a) of the Utah Judicial Code.

Abuser - A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an intimate partner, with the goal of establishing and maintaining power and control over the victim.

Victim - The person against whom an abuser directs coercive and/or violent acts.

Lethality Assessment - The evidence-based field instrument used by trained practitioners to assess a person who is a victim of intimate partner violence for her/his risk of being killed by an intimate partner.

High Danger - A term used for a victim who has been assessed through use of the LAP and the Lethality Assessment as being at the greatest risk of being killed. The victim is said to be at “High Danger.”

310.4 INITIATING A LETHALITY ASSESSMENT

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310.4.1 GENERAL

In addition to the procedures outlined in the policy, the responding officer shall complete the Lethality Assessment when he/she responds to a domestic violence or dating violence complaint and one or more of the following conditions exist:

(a) There is reason to believe an assault or an act that constitutes domestic violence or dating violence has occurred, whether or not there is an arrest.

(b) There is a belief or sense on the part of the responding officer that once the victim is no longer in the care or presence of the responding officer the potential for assault or danger is high.

(c) Repeated calls for domestic violence or dating violence complaints at the same location or involving the same parties.

(d) The responding officer believes one should be administered based on his/her experience and training and instinct.

310.4.2 LETHALITY ASSESSMENT QUESTIONS

To initiate the Lethality Assessment and corresponding LAP response protocol, the responding officer should:

(a) Advise the victim in a positive, supportive tone that she/he will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.

(b) Administer the Lethality Assessment outside the presence, hearing and awareness of the abusive partner.

(c) Ask the questions in the order they are listed on the form and in the manner they are written.

(d) Ask all the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.

310.4.3 ASSESSING THE RESPONSE TO THE LETHALITY QUESTIONS

After the responding officer asks the questions on the Lethality Assessment, he/she shall handle the information as follows:

(a) A **single** "yes" or positive response by the victim to questions #1, 2 or 3 reflects a High-Danger situation and automatically triggers the hotline call. Officers shall still ask the remaining questions, as they will help the officer gather a more comprehensive understanding of the victim’s situation before calling the hotline. Doing so will also allow the victim to assimilate lethality predictors that indicate that she/he is at risk of being killed by her/his intimate partner.

(b) If the victim gives negative responses to questions #1-3, but positive responses to four or more of questions #4 thru 11, this reflects a High-Danger situation and triggers the hotline call.

(c) "No" or negative responses to all of the assessment questions, or positive responses to less than four of questions #4 thru 11, may still trigger the hotline call if the responding officer believes it is appropriate. The officer should ask the victim the

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following question: "Is there anything else that worries you about your safety? If yes, what worries you?" The response to the question may aid the officer in his/her assessment.

(d) Similar to the subsection above, the officer may also assess a victim as High-Danger if the officer believes it is appropriate when:

1. The victim declines to answer all the questions on the Lethality Assessment, or;
2. The victim does not answer one or several of the questions so that the victim does not respond "yes" to enough questions to be assessed at High Danger according to the protocol.
3. If the victim's responses do not reflect High-Danger, but the officer's "read" of the situation indicates High-Danger, the officer should make the hotline call.

310.4.4 ASSESSING THE RESPONSES TO THE LETHALITY QUESTIONS - NON-HIGH DANGER

If the victim is not assessed as High-Danger after the Lethality Assessment is completed, the officer shall:

(a) Advise the victim that domestic violence is dangerous and sometimes fatal.

(b) Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that she/he is at an increased level of danger.

(c) Refer the victim to Peace House. The officer should volunteer to call the hotline for the victim if the victim would like to speak with the hotline. If the victim agrees, the officer does not need to remain in the immediate area during the victim-advocate conversation.

(d) Provide the victim with the case number, the officer's contact information, the department phone number, and the victim advocate's contact information in case the victim wants to talk further or needs help.

310.4.5 HIGH-DANGER VICTIMS AND THE HOTLINE CALL

If a High-Danger assessment is made the hotline call shall be implemented as follows:

(a) Advise the victim that her/his situation has indicated to the officer that the victim is at an increased level of danger, and that people in the victim's situation have been killed or seriously injured. Convey this information in an understanding manner.

(b) Advise the victim that you would like to call Peace House and invite the victim to speak with a hotline advocate. In communicating with the victim, be encouraging and supportive.

1. If the victim initially declines to speak with the hotline advocate, the officer shall:
   (a) Tell the victim that the officer will still contact the domestic violence hotline to receive guidance on how to proceed with the situation;
   (b) Tell the victim that she/he may decline to speak with the hotline, but that the officer would like the victim to reconsider speaking with the hotline advocate; and

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(c) While the officer is still on the phone with the hotline advocate, the officer asks the victim if she/he has reconsidered and would now like to speak with the hotline advocate.

2. If the victim continues to decline to speak with the hotline advocate, the officer should do the same thing he/she would do for a victim who was not assessed as High-Danger, including conveying information that the hotline advocate has suggestions about safety planning and requesting a safe phone number for an advocate to follow up with the victim.

3. If the victim agrees to speak with a hotline advocate, the officer shall call the hotline number with a department issued phone, introduce him/her, and advise the hotline advocate that he/she has made a High-Danger assessment. The officer shall provide responses to a brief set of questions prompted by the hotline advocate.

   (a) During the conversation between the hotline advocate and the victim, the officer shall stay on the scene and allow the victim privacy while she/he speaks with the hotline.

   (b) At the appropriate time during the conversation between the victim and the hotline advocate, the hotline advocate will ask to speak with the officer to conclude the call.

   (c) The officer shall be guided by the discussion with the hotline advocate for further assistance. Officers shall provide reasonable assistance to the victim if help is requested; such as transporting the victim to a safe place.

310.4.6 FILING OF THE LETHALITY SCREEN

Officers who have completed Lethality Assessments shall submit them along with their completed report by the end of the shift. A copy of the form shall be forwarded to the victim advocate as well. The victim advocate copy shall either be placed the victim advocate's mailbox or transmitted via email.

The victim advocate shall:

(a) Maintain a file of all Lethality Assessments.

(b) Maintain and report data.

(c) Prepare a report each month commensurate with established reporting requirements.

310.5 LAP AGENCY REPRESENTATIVE

The LAP agency representative shall:

(a) Facilitate training;

(b) Serve as a liaison, communicate, and meet with participating LAP agency representatives and agencies; and

(c) Generally oversee and monitor progress of the LAP.

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310.5.1 TRAINING

LAP training shall be provided by LAP-trained staff to all new entry-level officers who have not received it in the training academy before the conclusion of their field-training period.

In-service LAP training shall be provided to officers at least every two years.

310.6 USE OF BODY CAMERAS

Officers shall utilize body worn cameras or other electronic recording devices in accordance with Utah Code 77-7a-104 and proper policy and procedure when conducting the investigation and doing the LAP assessment.

An officer may de-activate a body worn camera during a conversation with a sensitive victim of crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity if:

(a) The individual who is the subject of the recording requests that the officer de-activate the officer's body worn camera; and the officer believes that the value of the information outweighs the value of the potential recording and records the request by the individual to de-activate the body worn camera.

If an officer de-activates a body-worn camera, the officer shall document the reason for deactivating a body-worn camera in a written report.

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

311.2 POLICY

It is the policy of the Park 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 in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

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

- 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 their 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.

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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 (Utah Code 77-23c-101 et seq.; Utah Code 77-23f-101 et seq.):

(a) Seeking reverse-location.

(b) Seeking reverse-keyword information.

(c) Seeking electronic data transmitted to a provider of a remote computing service or electronic communication service.

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.

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(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations, or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching 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.

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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 Park 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 the juvenile's 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 the juvenile's 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 76-5d-106; Utah Code 76-5d-204; Utah Code 76-5d-209; Utah Code 76-5d-211).

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 76-11-211 (28 CFR 31.303).

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

Safety checks - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

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

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

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

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

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

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

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

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

Status offender - A juvenile suspected of committing a 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, and 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 Park City Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Park 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 Park City Police Department. These include:

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

(b) Serious injuries or a medical condition requiring immediate medical attention.

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

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

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

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

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Park City Police Department unless they have been evaluated by a qualified medical and/or mental health professional, as appropriate for the circumstances.

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312.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Park 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 who is suspected of being a victim.

No juvenile should be held in temporary custody at the Park City Police Department without authorization of the arresting officer's supervisor or the Shift Sergeant. 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, legal guardian, 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 the juvenile's entry into the Park 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 Park 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).

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

312.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Park 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

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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).

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 and Youth 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 under Utah Code 80-6-201 for a serious offense as defined by Utah Code 80-6-103, the officer should notify the appropriate school superintendent or principal or their designee within five days for the purposes of the juvenile's supervision and student safety. The notice shall disclose only (Utah Code 80-6-103):

(a) The name of the juvenile.

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

(c) If available, the name of the victim, if the victim either resides in the same school district as the juvenile or attends the same school as the juvenile.

312.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in temporary custody at the Park City Police Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Park City Police Department.

(c) Shift Sergeant notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all safety checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Sergeant should initial the log to approve the custody, including any secure custody, and should initial the log when the juvenile is released.

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312.7 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 Park 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.

312.8 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The Shift Sergeant is notified if it is anticipated that a juvenile may need to remain at the Park City Police Department more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the Park City Police Department more than six hours.

(b) Safety checks and significant incidents/activities are noted on the log.

(c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

    1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

    2. This does not apply to surreptitious and legally obtained recorded interrogations.

(d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(e) There is reasonable access to toilets and wash basins.

(f) There is reasonable access to a drinking fountain or water.

(g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(i) There is privacy during family, guardian, and/or attorney visits.

(j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

    1. The supervisor should ensure that there is an adequate supply of clean blankets.

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(l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.

(m) Adequate furnishings are available, including suitable chairs or benches.

(n) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

312.9 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 Park 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 Shift Sergeant. 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 individuals in custody and monitored to protect them from abuse.

312.9.1 PREGNANT JUVENILES

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

312.10 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

312.11 SECURE CUSTODY

Only juvenile offenders 14 years and older may be placed in secure custody. Shift Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to self or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

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Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

312.11.1 LOCKED ENCLOSURES

Juvenile offenders shall not be placed in any locked enclosure unless the enclosure is certified by the Commission on Criminal and Juvenile Justice as an approved holding room, and there is no other alternative that will protect the juvenile and the community (Utah Code 80-6-204).

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when the juvenile is released. Any damage noted to the room should be photographed and documented.

The following requirements shall apply:

(a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.

(c) The juvenile shall have constant auditory access to department members.

(d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.

(e) Unscheduled safety checks by department members shall occur no less than every 15 minutes.

1. All safety checks shall be logged.
2. Juveniles who are sleeping or apparently sleeping should be awakened.
3. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

(i) Juveniles shall not be placed in a locked enclosure for more than four hours (Utah Code 80-6-204).

(j) Juveniles shall not be placed in a jail, lockup, or cell that is typically used for adults who are charged with a crime or in secure care except as expressly authorized by state law (Utah Code 80-6-204).

312.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Field Operations Bureau Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Park City Police Department. The procedures should include the following:

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(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Shift Sergeant, Chief of Police, and Investigation Bureau Commander

(c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile

(d) Notification of the appropriate prosecutor

(e) Notification of the County Attorney

(f) Notification of the Medical Examiner

(g) Notification of the juvenile court

(h) Evidence preservation

312.13 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):

(a) 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.

(b) The juvenile voluntarily waives the juvenile's constitutional rights.

(c) A parent, guardian, or friendly adult is present during the interrogation or gives consent to the interrogation 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 or if the juvenile's attorney is present in accordance with (d) below.

(d) When being held in a detention facility or a secure care facility, the juvenile has had a meaningful opportunity to consult with their attorney and the attorney is present for the interrogation.

(e) The juvenile's guardian ad litem, if any, has given consent to the interrogation for a juvenile who is in the custody of the Division of Child and Family Services.

Any custodial interrogation of a juvenile should be recorded (audio or video with audio as available) in its entirety (Utah Code 80-6-206).

312.13.1 CONDUCT OF INTERVIEW OR INTERROGATION

An officer shall not provide false information about evidence that is reasonably likely to elicit an incriminating response, nor shall an officer make unauthorized statements about leniency for the offense being investigated.

312.14 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).

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312.15 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

312.16 TRAINING

Members should be trained on and familiar with this policy and any supplemental procedures.

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Adult Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Park City Police Department members as required by law.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

313.2 POLICY

The Park City Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Park City Police Department shall notify Adult Protective Services (APS) when the member has reason to believe that an elder or vulnerable adult has been abused.

For purposes of notification (Utah Code 26B-6-201):

(a) Abuse includes but is not limited to the intentional infliction of harm or emotional abuse, the exploitation, or the neglect of an elder or vulnerable adult.

(b) Elder adult means someone age 65 or older.

(c) Vulnerable adult means an elder adult or a dependent adult age 18 or older who has a mental or physical impairment that substantially affects the person's ability to provide for themselves or their own personal protection.

313.3.1 NOTIFICATION PROCEDURE

Notification should occur either by telephone or by utilizing the online reporting form provided by APS immediately or as soon as practicable.

313.4 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom the victim made the statements.

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(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) If any photographs or audio and/or video recordings of the victim were taken (Utah Code 26B-6-206).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

313.5 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

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

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

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

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313.5.1 REMOVAL AND TRANSPORT OF ADULT ABUSE VICTIM

Removal and transport of an adult abuse victim by an officer may only occur under the following conditions (Utah Code 26B-6-207):

(a) The officer has probable cause to believe that the adult abuse victim will suffer serious physical injury if not immediately removed and transported to a safe environment.

(b) The adult abuse victim either refuses to consent or lacks capacity to consent to the removal and transport.

(c) There is not time to notify interested parties or to secure a warrant or other court order for the removal and transport.

(d) The person will be taken to a medical or shelter facility.

The officer removing and transporting an adult abuse victim shall notify APS within four hours to request that an emergency protective order be obtained from the court (Utah Code 26B-6-207).

313.6 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

313.6.1 MANDATORY COORDINATION

Members shall coordinate with APS to provide protection to victims and to investigate cases of elder or vulnerable adult abuse (Utah Code 26B-6-205).

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the 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.

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313.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

(a) Exigent circumstances exist, such as:

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

(b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, 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 adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

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(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 adult.

313.9.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Division supervisor so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS
Utah requires or permits the following:

313.10.1 RECORDS CENTER RESPONSIBILITIES
The Records Center is responsible for:

(a) Providing a copy of the adult abuse report to APS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

313.10.2 RELEASE OF REPORTS
Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Utah Code 26B-6-212).

313.10.3 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 adult abuse, the officer shall provide the person 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.

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 POLICY

The Park City Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect (Utah Antidiscrimination Act, Utah Code, Title 34A, Chapter 5).

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on 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.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with a member's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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314.3.2 RETALIATION
Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

314.3.3 SEXUAL HARASSMENT
The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

314.3.4 ADDITIONAL CONSIDERATIONS
Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Utah Anti-Discrimination and Labor Division.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.4 RESPONSIBILITIES
This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resource Manager, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

314.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Human Resource Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees, or issuing discipline in a manner that is consistent with established procedures.

314.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resource Manager, or the City Manager for further information, direction, or clarification.

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all

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complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

314.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resource Manager, or the City Manager.

314.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

314.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Manager, or the Human Resource Manager, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

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314.6.1 NOTIFICATION OF DISPOSITION
The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

314.7 TRAINING
All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

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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 Park 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 - Non-accidental harm (e.g., physical, emotional, developmental injury or damage) or threatened harm of a child (e.g., actions, inactions, credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect), sexual abuse (e.g., bigamy, incest), sexual exploitation of a child, human trafficking of a child, or causing the intentional death of the child's parent by the child's parent as defined by Utah law (e.g., specified parent-child relationships). Abuse does not include reasonable discipline, restraint, weapon removal, or management of a child or other legally justifiable acts (Utah Code 80-1-102).

315.2 POLICY

The Park 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 Park City Police Department shall notify DCFS when there is reason to believe that a child has been subjected to child abuse, when they observe a child being subjected to conditions or circumstances that would reasonably result in child abuse, or when any person notifies the member of child abuse (Utah Code 80-2-602).

315.3.1 NOTIFICATION PROCEDURE

Notification should be made as soon as practicable to the nearest DCFS office (Utah Code 80-2-602).

Notification should also be made to the County Attorney in cases where suspected child abuse resulted in death (Utah Code 80-2-604).

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.

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(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 76-5d-106):

(a) Investigate possible human trafficking of the child.

(b) Refer the child to DCFS.

(c) Bring the child to a receiving center.

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(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 80-2a-202):

(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 80-2a-203. This notice should include the written information prepared by DCFS. Such efforts to provide this notification should be documented in the related report.

315.7 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

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medical examination, the notified supervisor should consider obtaining a court order for such an examination.

315.8 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.

315.8.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division 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 Investigations Division 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.

315.8.2 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 Investigations Division Supervisor so an interagency response can begin.

315.9 STATE MANDATES AND OTHER RELEVANT LAWS

Utah requires or permits the following:

315.9.1 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 77-37-4; Utah Code 80-2-608).

315.9.2 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; or

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(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.

315.9.3 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).

315.9.4 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 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.

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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 - 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 their 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 their 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 the person's 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 26B-8-130).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), and the Utah Bureau of Criminal Identification (BCI) Missing Persons Clearinghouse.

316.2 POLICY

The Park City Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases.

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Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.2.1 OUTLINE OF DUTIES FOR A MISSING CHILD

(a) Duties of Communications Personnel:

1. Determine if circumstances of the report meet the definition of a missing child
2. Dispatch, in a prompt manner, an officer to the scene to meet with the complainant
3. Notify a supervisor
4. Make the appropriate radio alerts and other notifications
5. Search agency records for any pertinent information relating to the family, the child's last location, and the child's residence
6. Safeguard all pertinent records

(b) Duties of First Responders:

1. Respond promptly to the scene of the report, activating patrol vehicle mounted video camera if circumstances warrant
2. Interview the parent(s) or person who made the initial report
3. Obtain a detailed description of the missing child including photos and videos
4. Confirm the child is in fact missing (never assume that searches conducted by a distraught parent are thorough)
5. Verify the child's custody status
6. Identify the circumstances of the missing episode
7. Determine when, where, and by whom the missing child was last seen
8. Interview the individual(s) who last had contact with the missing child
9. Identify the missing child's zone of safety for his or her age and developmental stage (how far would/could the child travel before he/she would most likely be at risk for injury or exploitation)
10. Make an initial assessment of the type of incident
11. Obtain a description of the suspected abductor(s) and any other pertinent information
12. Determine the correct NCIC Missing Person File category and ensure notification is promptly transmitted
13. Provide detailed descriptive information to Dispatch for broadcasting updates

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14. Identify and separately interview everyone at the scene
15. Conduct an immediate, thorough search of the scene
16. Seal/protect scene, area of child's home, and areas of interest as potential crime scenes
17. Inquire if the child has access to the Internet, cell phones, and/or other communications devices
18. Prepare necessary reports and complete appropriate forms

(c) Duties of the supervisor:

1. Obtain a briefing and written reports from the first responders and other agency personnel at the scene
2. Determine if additional personnel and resources are needed to assist in the investigation
3. Consider activation of the AMBER ALERT system and/or other immediate community notification methods
4. Establish a command post
5. Organize and coordinate search efforts
6. Ensure all required notifications have been made
7. Establish a liaison with the victim family
8. Confirm all agency policies and procedures are observed
9. Manage media relations according to the Department's media policy.

(d) Investigator duties:

1. Obtain a briefing from agency personnel at the scene
2. Verify the accuracy of all descriptive information
3. Initiate a neighborhood investigation
4. Obtain a brief history of recent family dynamics
5. Explore the basis for any conflicting information, correct and investigate any conflicting information
6. Implement effective case management (NCMEC can provide software for this)
7. Evaluate the need for additional resources and specialized services (consider Team Adam)
8. Update descriptive information

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9. Monitor media relations to be certain that investigative objectives are not compromised

316.2.2 DUTIES FOR AN UNIDENTIFIED CHILD/RECOVERED MISSING CHILD

(a) Duties of an officer assigned to the report of an unidentified child, whether living or deceased:

1. Obtain a complete description
2. Enter the unidentified child's description into the NCIC Unidentified Person File
3. Use all available resources to aid in identification of the child
4. Cancel all notifications after identification is confirmed

(b) Duties of an officer assigned to the recovery or return of a missing child:

1. Verify the located child is, in fact, the reported missing child
2. Interview the child and secure intervention services, if appropriate
3. Arrange the return of the child to his or her legal guardian
4. In the case of a missing child from another department's jurisdiction who has been located, arrange for the child to stay at an appropriate children's shelter
5. In the case of a runaway child for whom a warrant exists or an NCIC missing person hit is verified, place the child in custody and transport him or her to the appropriate facility for admission.
6. Complete the appropriate supplemental reports and cancel all outstanding notifications.

316.2.3 AUTISTIC CHILD/ADULT

Children and adults with Autism Spectrum Disorder may possess the inability, or impaired ability to communicate and socially interact with others. Persons with ASD may have difficulty recognizing safety hazards, social norms, and the law, which can make them 7 times more likely to attract attention and have police interaction. Persons with ASD also are more likely to be victimized than other people. This policy acts as a guideline to assist an officer who interacts with a person with ASD.

The following is a list of possible tendencies of a person with ASD which might result in an officer being called:

- **Increased personal danger**, attracted to and having no fear of dangerous situations to include a lack of fear of strangers and attraction to bodies of water with no fear of drowning
- **Wandering** is a common problem and they can be very creative in finding ways through windows and locked doors

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- **Personal modesty** issues to include public nudity, inappropriate touching of self and others, and public masturbation
- **Self-stimulation (stimming**) for a person with ASD can be unusual such as hand-flapping, finger licking, body rocking, and twirling. They can also be verbal and include humming or repetitive speech. These behaviors should not be interfered with.
- **Delayed response, disassociated speech** may reply with seemingly meaningless answers and can take up to 11 seconds for them to understand and respond to questions or comply with commands.
- **Other unusual behaviors** such as lining up behaviors, alphabetizing behaviors, often associated with the stimming behaviors may have a tendency to irritate or concern the public, store owners, restaurant staff, library workers, etc.

A person with ASD may have difficulty understanding non-verbal communication, body language and tone of voice. They may not be willing to make eye contact, and forcing eye contact on them can make the situation worse. The following is a list of behaviors that an officer may do in order to get compliance and needed information from a person with ASD:

(a) **First, be safe**, manage your back up (have them respond quietly and stay back a few feet) and keep officer safety in mind

(b) **Don't interfere with their environment**, expect them to lash out if you take/touch their property, turn of their TV, etc, without their permission

(c) **Don't interfere with stimming**, if possible. It keeps them calm, therefore helping you control your subject

(d) **Model the behaviors you want to see** such as being still, keeping a distance, being calm, and walking, sitting or standing. If you make a big deal out of acting-out behaviors, you may actually increase them.

(e) **Personal space is relative**, stay out of kicking range, be aware that biting is a common defensive behavior, as is striking out or choking if you get too close.

(f) **Tell them "rules"** A phrase such as "the rule is you have to come with me" will often successfully get them to comply. Additionally, "quiet hands" is a common command used to manage children with ASD to keep them from hitting, stimming, etc.

(g) **Use literal phrases, single word commands**, and wait (up to 11 seconds) for responses or compliance

(h) **Pain compliance techniques won't work**, as they often have an altered sense of pain

Medical precautions

Subjects with ASD may be at increased risk for injury and death during physical stabilization and violent encounters. Approximately 40% are prone to seizures. They have poor or low muscle tone

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which may make them more easily injured with bruising, broken bones, and internal bleeding. They may have difficulty breathing under stress. Because they have an altered sense of pain, they may have difficulty feeling it or expressing it. Their adrenaline stays up longer and they may need extra time to cool down, decompress, and comply.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations 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.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

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.

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2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to 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 their 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 Center.

(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.

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316.6.2 RECORDS CENTER RESPONSIBILITIES

The responsibilities of the Records Center 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 Investigations 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 INVESTIGATIONS 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 party 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.

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(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) 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 themself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.

(c) Use available resources, such as those related to missing persons, to identify the person.

316.9 CASE CLOSURE

The Investigations 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.

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(b) If the missing person is a resident of Park City 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 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

317.1 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.

317.2 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.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Park City Police Department should notify their supervisor, Shift Sergeant, or Investigations 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.

317.3.2 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 Bureau Commander and the Press 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 Bureau Commander

317.4 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 in January and August.

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The AMBER Alert does not preclude any law enforcement agency from utilizing or implementing in-house procedures, policies, or practices.

317.4.1 CRITERIA

AMBER Alerts are not to be used for cases involving custodial disputes or runaways that do not meet the criteria (Utah Code 53-10-1002). 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 (Utah Code 53-10-1002):

(a) A confirmed abduction (non-family, non-custodial).

(b) The child is 17-years of age or younger.

(c) There is reason to believe the child is in imminent danger of serious bodily injury 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.

317.4.2 INSTRUCTIONS FOR ENTERING AN AMBER ALERT

(a) Type UAA into the transaction box or locate the transaction in other, entry, Utah (BCI Help Desk (801) 965-4446.)

(b) Make the entry with as much information that you have and update as needed. If some of the information regarding the suspect or victim is not known, estimate such things as age, height, weight, or vehicle. Then modify as the information is obtained.

1. Agency Phone: Use Dispatch with area code (435) 615-5500.
2. Authorizing administrator: must be sergeant or higher rank.
3. NIC: NCIC ID number for missing person NCIC entry (if possible, have another person enter the missing person while you are doing the Amber Alert entry, or do it after and modify the Amber Alert. Don't wait to enter the amber until the NCIC entry is completed.

(c) Contact the BCI Help Desk after completion if assistance was not needed to make the entry. Notify them you have activated the Amber Alert and provide them with dedicated phone numbers (cell and direct lines) of the enterer and one or more commanders or supervisors.

317.4.3 PROCEDURE

(a) When the required criteria are met, the assigned officer should request that the Dispatch Center initiate an AMBER Alert by entering the required information into the appropriate Utah Criminal Justice Information System (UCJIS) transaction.

(b) The supervisor may also consider the following resources as the circumstances dictate:

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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 Bureau of Criminal Identification (BCI) and the Department of Justice Missing Person System (NCIC).
5. National Center for Missing and Exploited Children.

317.5 BLUE ALERTS

317.5.1 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.

317.5.2 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 Press Information Officer, Shift Sergeant 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 Press 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.

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(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.

317.6 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.

317.6.1 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.

317.6.2 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.

317.7 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).

317.7.1 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).

317.7.2 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).

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Victim and Witness Assistance

318.1 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.

318.2 POLICY

The Park City Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Park 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.

318.3 CRIME VICTIM ADVOCATE

The Chief of Police should appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Park City Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 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).

The crime victim liaison shall work with the Utah Office for Victims of Crime to provide information sufficient to determine a claimant's eligibility for a reparations award pursuant to Utah Code 63M-7-527.

318.4 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.

318.4.1 CRIME VICTIM PRIVACY

Upon request, the victim of a crime should be identified by their initials rather than their name in all publicly available documents related to the criminal justice process other than documents required for the issuance or enforcement of a criminal protective order or a criminal stalking injunction (Utah Code 77-38-6).

When a victim is identified using their initials, identifying information shall be maintained by the Department and provided in response to a court order (Utah Code 77-38-6).

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318.5 VICTIM INFORMATION

The Administration Bureau Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault (Utah Code 53-10-804).

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U visa and T visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the officer's name, badge number, and any applicable case or incident number.

(k) The written notices for victims of domestic violence and other qualifying offenses as mandated by Utah Code 78B-7-802 and Utah Code 77-36-2.1.

(l) Local victim centers.

(m) The Utah Department of Corrections (UDC) Victim Services Unit, which can provide assistance and support to victims whose victimizers are in the custody of the UDC.

(n) Office of Crime Victim Reparations Program that offers financial assistance.

(o) The Federal Department of Justice Office for Victims of Crime (OVC), which can also provide assistance.

(p) The Utah Crime Victims' Bill of Rights (Utah Code 77-37-3).

(q) Rights and remedies available to victims of stalking or dating violence (Utah Code 76-5-106.5; Utah Code 78B-7-408).

(r) Eligibility and process to request review of investigations (Utah Code 11-64-101).

(s) The written notices for victims of sexual violence as mandated by Utah Code 78B-7-509.

(t) A guide for victims of sexual assault to be published on the Department website as mandated by Utah Code 53-25-201.

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318.6 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.

318.7 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 Park 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.

318.8 VICTIM ADVOCATE CALL OUT

318.8 INCIDENT CALL OUT

The Victim Advocate shall be called out on the following incidents:

Domestic Violence:
• When a referral is triggered based on the Lethality Assessment Protocol (LAP).
• When a victim is "screened in" based on the LAP.
• When a victim is "screened in" based on the officer's belief as described on the LAP.
Sexual or Physical Assault:
• When an examination is conducted at a hospital by a Wasatch Forensic Nurse.
• The Victim Advocate will coordinate with the Peace House to determine if the response is best at the beginning or end of the examination on each case. Regardless of the timing of the response, the Victim Advocate should be notified at the onset.

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Other Trauma:
• When a child is the witness or victim of a traumatic incident.
• When death or serious trauma is experienced by a victim, witness, or family member.
• When the watch commander deems it necessary for the benefit of a victim.

318.8.1 CALL OUT PROCEDURE

• The Victim Advocate can be directly contacted by an investigating officer or the watch commander. The Victim Advocate will be responsible for notifying the Detective Lieutenant of his/her response.
• When a call out is not necessary, but a consultation would be prudent, the Victim Advocate is available by phone.
• Email the Victim Advocate when the Peace House is consulted, but a call out is not necessary.
• There will be rare occasions when the Victim Advocate is unavailable. On these occasions, the Peace House representative, Summit County's Victim Advocate, or a telephonic response by our Victim Advocate is acceptable. Approval should be
obtained from the Lieutenant or watch commander when this occurs.
• If there is exigency and circumstances arise in which the watch commander decides not to call out the victim advocate, the watch commander shall email the Operations Captain, Special Operations Captain, and Victim Advocate summarizing their decision not to call out the victim advocate.

318.9 COMPLAINTS OF VICTIM'S RIGHTS VIOLATIONS

Complaints alleging a violation of a victim's rights shall be addressed in the manner described in the Personnel Complaints Policy. Investigative findings related to the complaint shall be provided to the appropriate Victim Rights Committee when required (Utah Code 63M-7-1003).

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Hate Crimes

319.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of the Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 FEDERAL JURISDICTION

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability (18 USC § 249).

319.2 DEFINITIONS

Intimidate or terrorize - Means an act which causes the person to fear for his/her physical safety or damages the property of that person or another. The act must be accompanied with the intent to cause or has the effect of causing a person to reasonably fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States (Utah Code 76-3-203.3(3)).

319.3 CRIMINAL STATUTES

Utah Code 76-3-203.3 (Penalty for Hate Crimes) and Utah Code 76-3-203.4 (Hate Crimes - Aggravating Factors).

319.4 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

319.5 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of the Department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

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(a) Officers will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports will be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(g) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.

(h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., possible Temporary Restraining Order through the County Attorney or County Attorney).

319.5.1 INVESTIGATIONS DIVISION RESPONSIBILITY

If a case is assigned to the Investigations Division, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the County Attorney and other appropriate law enforcement agencies, as appropriate.

(b) Maintain contact with the victims and other involved individuals as needed.

(c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the county or state upon request.

319.6 TRAINING

All members of the Department will receive training approved by Utah Police Officer Standards and Training on hate crime recognition and investigation.

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Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Park 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 the Park City Municipal Employee Handbook and 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 Park 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.

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. This includes any order relayed from a supervisor by a member of the same or lesser rank.

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 is in conflict 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.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in 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.

320.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Park City Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment 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.

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(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.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while onduty or through the use of one's official capacity.

(b) Engaging in onduty 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.

320.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

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(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 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 nonsubpoenaed records.

320.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the 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.

320.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated 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 departmentrelated 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.

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(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 onduty 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 onduty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while onduty 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 offduty that brings discredit to this department.

320.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(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.

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(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.

320.5.10 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 adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(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.

320.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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320.6 SUPERVISION RESPONSIBILITY

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.

320.6.1 SUPERVISORY ROLE

Supervisor roles and responsibilities regarding the disciplinary system are as follows:

1. Command Staff and Sergeants may temporarily relieve an employee of duty, should it be in the best interest and safety of the employee, co-workers,and/or the public under the following circumstances:
   (a) Involving an employee actively working which would cause them to endanger themselves or others;
   (b) Involving officer misconduct or insubordination
2. For temporarily relieving an employee of duty, prior approval must be obtained from the Section Captain, Chief of Police and HR Manager, or designee.
   (a) If it is not possible to contact the HR Manager or designee due to late hours or no answer on their phones, then the Chief, Section Captain or Sergeant may authorize to send them home with pay for the remainder of one (1) shift only.
   (b) The HR Manager or designee must be contacted no later than the following day.
   (c) If the HR Manager or designee cannot be reached, then the Police Department is authorized to maintain the paid administrative leave status until one of them can be contacted.
3. Captains, lieutenants, and sergeants have the authority to take the following non-disciplinary actions, without higher authority approval:
   (a) Counseling employees to improve performance.
4. Captains and lieutenants and sergeants must obtain approval from their chain of command and the HR Manager prior to taking the following disciplinary actions:
   (a) Verbal Counseling
   (b) Written Counseling
5. The Chief of Police may recommend any of the above actions as well as suspension, demotion, transfer, or termination to the Human Resource Manager and City Manager.

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320.7 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure § 1010. The investigation should be completed within 45 days of the discovery of the allegation unless such investigation requires a reasonable exception under the circumstances.

It is the policy of the department to follow the disciplinary procedures outlined in the Park City Municipal Employee Handbook.

320.7.1 DUE PROCESS RIGHTS

Employees are entitled to due process rights in accordance with applicable statutory and case law.

320.8 POST INVESTIGATION PROCEDURES

320.8.1 BUREAU COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Bureau Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Bureau Commander may return the entire investigation to the assigned detective or Division Commander for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Bureau Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

320.8.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

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 recommendations and/or may return the file to the Section 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, to be imposed, and make a recommendation to the City Manager.

If any of the following violations are sustained, the Chief of Police shall ensure that the allegation is reported in a timely manner to POST for determination of suspension or revocation of the involved officer's POST certification under Utah Code § 53-6-211 (Such reporting is required even if the officer resigns):

(a) Willfully falsifying any information to obtain POST certification.

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(b) Being addicted to alcohol or any controlled substance, unless the employee reports the addiction to the Department and to the Director of POST as part of a department early intervention process.

(c) Engaging in conduct which is a state or federal criminal offense.

(d) Refusing to respond, or failing to respond truthfully, to questions after having been issued a warning based on Garrity v. New Jersey, 385 U.S. 493 (1967).

(e) Engaging in sexual conduct while on-duty.

(f) Being dismissed from the armed forces of the Unites States under dishonorable conditions.

(g) Failure to disclose any physical or mental disability affecting the peace officer's ability to perform duties.

320.8.3 RESPONSIBILITY OF THE INTERNAL AFFAIRS DIVISION

IA shall have primary responsibility for review and investigation of all complaints against employees, whether initiated by the public or by a member of the department.

IA may assume primary responsibility for a supervisor's complaint investigation at any state in the investigation process upon notification of the supervisor involved. IA may also initiate an investigation of alleged employee misconduct, with or without a formal complaint, with prior knowledge and approval of the Chief of Police.

IA shall have the following additional responsibilities:

- Maintain a complaint log;
- Maintain a central file for complaints in a secured area and in conformity with records retention requirements of state laws;
- Conduct a regular audit of complaints to ascertain the need for changes in training or policy;
- Maintain statistical and related information to identify trends involving all complaints of excessive force and abuse of authority;
- Track complaints against individual employees to assist in employee risk analysis; and
- Provide the Chief of Police with an annual summary of complaints against employees and final dispositions that may be made available to the public or otherwise used at the discretion of the Chief of Police.

320.9 RESIGNATION/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it may be noted in the file.

320.10 POST-DISCIPLINE PROCEDURE

Refer to the Park City Municipal Employee Handbook, Employee Transfer and Discharge Appeal Rights and Procedure.

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320.11 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

The Employee Discipline policy does not apply to probationary employees.

Further information can be obtained in the Park City Municipal Employee Handbook.

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Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software, and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Park City Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, **permanent file,** or **file** - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

321.2 POLICY

It is the policy of the Park City Police Department that members shall use information technology resources, including computers, software, and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer 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 email system, computer network, and/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, electronic devices, or networks.

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The Department may not require a member to disclose a username and/or password that allows access to the member's personal internet accounts, except as may be provided in Utah Code 34-48-201.

321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Sergeants.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems, or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer, or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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321.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access Criminal Justice Information (CJI) are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

321.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of their supervisory duties or based on cause.

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Reasons for inspection or review may include but are not limited to computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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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 of 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

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2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting 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

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(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.

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.

322.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

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(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.

(j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Trade Commission (FTC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

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 completed prior to the end of the officer's duty shift, other than with approval by the duty supervisor for exceptional circumstances. Officers doing follow up on a case shall inform the duty supervisor of the reason for the delay in report completion, and complete the report in a timely manner and progressively throughout the follow up period. Reports held for follow up reasons shall be completed prior to the officer ending his/her work week and going on days off.

322.3.1 HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when 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 Center 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 Center may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

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322.6 ELECTRONIC SIGNATURES

The Park City Police Department has established an electronic signature procedure for use by all employees of the Park City Police Department. The Field Operations Lieutenant shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signatures for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

322.7 PORTABLE VIDEO RECORDER (PVR) REPORTING

Employees shall document in their investigative report the existence of Body Worn Camera (BWC) and/or Mobile Audio Video (MAV) footage.

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Legal Advice, Process and Liability

323.1 PURPOSE AND SCOPE

This policy is established for officers and employees of the police department regarding legal advice pertaining to procedures to follow the pursuit of criminal and civil matters, liability insurance and/or indemnification, legal process and risk management.

323.1.1 LEGAL ADVICE

The City Attorney's office and the County Attorney's Office, through their designated attorney appointed as the prosecutor for criminal matters, shall provide legal assistance as it pertains to criminal investigation, prosecution and process. Each office is designated based on the classification of the criminal offense.

The City Attorney, or designee, shall provide civil advice when appropriate and in connection with a public safety or law enforcement matter.

Additionally, the City Attorney's office acts as the City's risk management office and all person's wishing to file claims against the Department or City should be directed to that office.

323.1.2 LIABILITY INSURANCE/IMMUNITY

Park City Municipal Corporation maintains a civil rights and liability insurance package for law enforcement personnel in the event of liability claims against police.

Liability protection for officer/employees is outlined in the Governmental Immunity Act, UCA Title 63G, Chapter 7, which provides defense of public employees and payment of judgments or settlements against such employees.

Employees of the department may also elect to join law enforcement organizations which may provide additional liability coverage and/or representation in the event of a lawsuit.

323.1.3 LEGAL PROCESS AND WARRANT SERVICE

The department is often called upon by either the City Attorney, County Attorney, or by private attorneys to serve legal process. Civil process is served by the sheriff's office, however, criminal subpoenas, summonses, and other such legal documents generated by the City or County Attorney may be served by the Department.

The Department does not collect fees for service of process and therefore does not generally serve process generated by private attorneys, small claims actions, or other notices of civil suits. Serving of civil process by a department officer must be cleared through a department supervisor prior to service. No fees will be collected for paper service by department officers.

Out of Jurisdiction Service - Since Law Enforcement officers in the state of Utah have statewide power, they are authorized to serve legal process outside the limits of their jurisdiction. Officers serving process outside the jurisdiction need not notify the jurisdiction into which they are traveling unless the serving or the process may result in an arrest. When an arrest is to be made outside

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the jurisdiction, the jurisdiction where the offender resides or where the process is to be served is to be notified of the action.

Return of Service - Officers attempting to serve any legal process whether a warrant, summons, or some other notice to appear, are to insure that a return of service is completed and forwarded to the court, without delay, upon service. The return shall include the date and time of service, to whom and the place served as well as the signature of the officer. Officers should also note times, dates, and places where attempts at service were made unsuccessfully.

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Media Relations

324.1 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.

324.2 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, Bureau Commanders, Shift Sergeants, and designated Press Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

324.3 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 displayed at all times 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 PIO 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 written 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.

324.3.1 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 in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

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324.3.2 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 Shift Sergeant. 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).

324.4 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.

324.4.1 EMPLOYEE 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 filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Records Officer, or if unavailable, the Shift Sergeant 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).

324.4.2 MINOR VICTIMS OF CRIMINAL ACTIVITY

The [DepartmentOffice] may not disclose the name or other personally identifying information of a minor victim to a representative of a media outlet unless the law enforcement agency or law enforcement officer has made a reasonable effort to obtain the consent of the minor victim's parent or legal guardian for the disclosure (Utah Code 53-25-101).

324.4.3 ONGOING CRIMINAL INVESTIGATIONS

Media requests for information about an ongoing criminal investigation should be evaluated by the Special Operations supervisor and the PIO. If a release of information could reasonably be expected to interfere with the investigation, the information shall not be released.

324.5 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

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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.

324.6 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.

324.7 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.

324.7.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Shift Sergeant.

The daily information log will generally include:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger

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the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

324.8 POLICY

It is the policy of the Park 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.

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Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Park City Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

325.2 POLICY

Park City Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.2.1 VALID SUBPOENAS

No subpoena shall be accepted for an employee of the Department unless it has been properly served and verified to have originated from a recognized legal authority.

325.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

Criminal subpoenas may be served upon a member in accordance with U. R. Crim. P. Rule 14 by personally delivering a copy of the subpoena to the member.

Civil subpoenas may be served upon a member personally, by leaving a copy at the member's residence with a person of suitable age and discretion who resides there, or by delivering a copy to an agent authorized by appointment or by law to receive process. The subpoena may also be served by mail, commercial courier service or electronic delivery (U. R. Civ. P. Rule 45; U. R. Civ. P. Rule 4). Civil subpoenas shall not be accepted without properly posted fees (U. R. Civ. P. Rule 45).

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Park City Police Department.

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(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Park City Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

325.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

325.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

325.5 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.

325.6 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.

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325.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

325.7 OVERTIME
When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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Reserve and Auxiliary Officers

326.1 PURPOSE AND SCOPE

The Park City Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels. For the purposes of this policy, "Reserve" includes reserve and auxiliary officers unless specifically described otherwise.

326.1.1 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)).

Auxiliary Officer - Means a sworn, certified, and supervised special function officer, as described by Utah Code 53-13-112 and is a specific category of special function officer required to have the level of training of a special function officer as provided in Utah Code 53-13-105, including no fewer than 40 hours per year of in-service training (Utah Code 53-13-101; Utah Code 53-13-112).

Volunteer - Means an officer who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.

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 in Utah Code 53-13-101(14)(a) (Utah Code 53-13-101(14)(b)).

326.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Park 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.

326.2.1 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.

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326.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their abilities.

The Department may utilize a sworn and certified peace officer in a reserve or auxiliary capacity (Utah Code 53-13-111(1)(a)).

326.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

While serving as a non-paid volunteer in a reserve or auxiliary capacity, or working part-time for fewer hours than would qualify the officer as an "employee" under state or federal law, a peace officer is entitled to benefits in accordance with Utah Code, Title 67, Chapter 20, Volunteer Government Workers Act (Utah Code 53-13-111(2)).

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular officers.

326.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

326.3 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 Operations Section. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.

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)).

326.3.1 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.

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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.

326.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

326.3.3 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) Conducting reserve meetings.

(c) Establishing and maintaining a reserve callout roster.

(d) Maintaining performance evaluations and ensuring they are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

326.4 FIELD TRAINING

The responsibility of training of Reserve Officers will fall under the Patrol Sergeant whose assignment is the FTO/PTO program. Training will be done either through a training academy, a modified part time FTO/PTO program, or both.

326.4.1 TRAINING OFFICERS

Officers of the Department who are Field Training Officers or Primary Training Officers and desire to train reserve officers will train the reserves. Senior Officers may also be assigned to train reserves when an FTO or PTO in not available on a shift.

326.4.2 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) Committee. The reserve officer will be assigned to work with a primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

Special training requirements for experienced law enforcement officers may be made at the discretion of the Chief Of Police. A currently certified law enforcement officer with 5 years experience or more of full time law enforcement experience with a recognized law enforcement agency in the State of Utah may be eligible to complete a total of 70 hours of FTO/PTO training before release from the training program.

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326.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Park 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.

326.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, the reserve officer will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

326.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with the primary training officer. The reserve officer may now ride with any officer designated by the Shift Sergeant.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue toward the completion of the Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III.

326.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 20 hours of additional on-duty training. For this training phase, the reserve officer will return to the original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, the reserve officer will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

326.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, the reserve officer will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief from immediate supervision.

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326.5 SUPERVISION OF RESERVE OFFICERS

Depending on their level of certification and number of hours with the Department, reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer.

Auxiliary officers shall work under the direction and immediate supervision of a certified law enforcement officer as defined in Utah Code 53-13-103.

326.5.1 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

326.5.2 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.

326.5.3 UNIFORM AND EQUIPMENT

Reserve officers shall conform to all uniform regulation and appearance standards of the Department. Reserve officers shall have access to all equipment as full-time officers performing like functions.

326.5.4 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 Field Operations Bureau 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 Policy Manual.

326.5.5 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

326.6 FIREARMS REQUIREMENTS

Reserve officers are required to qualify to the same firearms standards as full-time department officers once per year. Firearms qualifications through the reserve officer's certifying agency may be considered when fulfilling PCPD's annual firearm requirements.

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326.6.1 CARRYING WEAPON ON-DUTY

Reserve officers may carry a loaded firearm while on-duty. It is the policy of the Department to allow reserves to carry firearms only while on-duty or to and from duty.

Auxiliary officers may carry firearms only while on-duty, and only if authorized and under conditions specified by the Department (Utah Code 53-13-105(2)(c)).

326.6.2 ADDITIONAL CONSIDERATIONS

A reserve officer shall not carry a concealed department firearm while in an off-duty capacity, other than to and from work. A personally owned firearm may be carried off-duty only if the officer possesses a valid Concealed Weapon License (CWL) issued by the Department of Public Safety, Bureau of Criminal Investigation or is otherwise authorized under state law or the Law Enforcement Officers' Safety Act (18 USC § 926B).

An instance may arise where a reserve officer is assigned to a plainclothes detail for their 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 their proficiency with said weapon.

326.7 EMERGENCY CALLOUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency callout procedure for reserve personnel.

326.8 LIABILITY PROTECTION

Reserve officers shall be provided liability protection in the same manner as regular officers performing like functions.

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Outside Agency Assistance

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

327.2 MUTUAL AID

It is the policy of the department to participate on a reciprocal basis in mutual aid situations with other law enforcement agencies for the common good of the community and of society at large. Such aid may include any personnel and equipment deemed necessary and reasonable by the individual having the decision making authority to furnish aid requests at the time the request is being made. Supervisory or Command level authorization is required in all but those circumstances which are deemed to be exigent and supervisory or command level authority is not available.

The department maintains an informal mutual aid agreement with all local emergency service providers. Though unwritten, it is widely accepted that a high level of cooperation and assistance exists between the police department and the Summit County Sheriff's office, Park City Fire District, Heber City Police Department, Wasatch County Sheriff's office and other local and state service providers. It is the philosophy of the department that each member endeavor to cooperate fully with members of other agencies in cases of mutual interest, sharing of information, aid and assistance in times of crisis and back up personnel for safety and security interests.

327.3 POLICY

It is the policy of the Park City Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

327.4 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Sergeant’s office for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances,

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and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

327.4.1 INITIATED ACTIVITY

Prior to an officer taking any action beyond the limits of the officer's normal jurisdiction, the officer shall notify and receive approval of the local law enforcement authority, or if the prior contact is not reasonably possible, notify the local law enforcement authority as soon as reasonably possible (Utah Code 77-9-3).

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Park City Police Department shall notify his/her supervisor or the Shift Sergeant and the Dispatch Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

327.5 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

327.6 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Sergeant.

327.7 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Bureau Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

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Copies of the documentation should be provided to the Dispatch Center and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Park City Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, kidnap, and child abuse offenders.

328.2 POLICY

It is the policy of the Park City Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

328.3 REGISTRATION

The Investigations Division supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Utah Department of Public Safety (DPS).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (Utah Code 53-29-305).

328.3.1 CONTENTS OF REGISTRATION

Members assigned to register offenders should obtain the following information from registering offenders (Utah Code 53-29-304):

(a) All names and aliases

(b) The primary and secondary residence addresses

(c) A physical description, date of birth, height, weight, eye, and hair color

(d) The make, model, color, year, plate number, and vehicle identification number of any vehicle or vehicles owned or driven more than 12 times per year

(e) A current photograph

(f) A set of fingerprints, if one has not already been provided

(g) A DNA specimen, taken in accordance with Utah Code 53-10-404, if one has not already been provided

(h) Telephone numbers and any other designations used for routing or self-identification in telephonic communications from fixed locations or cellular telephones

(i) Internet identifiers and any addresses used for routing or self-identification in internet communications or postings

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(j) The name and internet address of all websites on which the person is registered using an online identifier, including all online identifiers used to access those websites

(k) A copy of any passport

(l) If the person is an alien, all documents establishing immigration status

(m) All professional licenses that authorize engaging in an occupation or carrying out a trade or business, including any identifiers, such as numbers

(n) Each educational institution in Utah at which the person is employed, carries on a vocation, or is a student, and any change of enrollment or employment status at any educational institution

(o) The name, telephone number, and address of any place of employment

(p) The name, telephone number, and address of any place where the person volunteers

(q) The person's Social Security number

Members assigned to register offenders should inform the offender of the duty to comply with the continuing registration requirements and identification card requirements, if applicable (Utah Code 53-29-302).

328.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on DPS's Sex, Kidnap, and Child Abuse Offender Notification and Registration (SONAR) website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to DPS.

The Investigations Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Park City Police Department personnel, including timely updates regarding new or relocated registrants.

328.4.1 MONITORING SEX OFFENDERS WITHOUT RESIDENCES

The Investigations Division supervisor should establish a system for monitoring sex offenders without a residential address. The system should include procedures for (Utah Code 53-29-308; Utah Code 53-29-406):

(a) Notifying DPS within one business day when it is discovered that a sex offender required to register with the Department does not have a residential address (Utah Code 53-29-302).

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(b) Receiving notices from DPS or other law enforcement agencies when a sex offender under the program transfer into the jurisdiction of the Department and initiating monitoring of those offenders.

(c) Notifying DPS and other appropriate law enforcement agencies when a sex offender under the program leaves the Department's jurisdiction.

(d) Applying for arrest warrants and coordinating with other law enforcement agencies to locate and arrest sex offenders, as required under the program.

(e) Complying with any other requirements of the DPS monitoring program for sex offenders who are unable to provide residence information.

328.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the DPS's SONAR website for specific registrant information and photographs (Utah Code 53-29-404).

The Records Supervisor shall release local registered offender information to residents in accordance with Utah Code 53-29-303 and in compliance with a Government Records Access and Management Act (GRAMA) request.

328.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

328.6 LEGAL MANDATES AND RELEVANT LAWS

Members responsible for registering and entering sex, kidnap, or child abuse offenders into the database must be certified by the Utah DPS. To obtain and retain certification, the employee must receive initial and annual training from DPS (Utah Code 53-29-302).

The Training Sergeant will be responsible for ensuring the appropriate training and certifications are maintained.

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Major Incident Notification

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

329.2 POLICY

The Park City Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

329.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee on- or off-duty
- Death of a prominent Park City official
- Arrest of Department employee or prominent Park City official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

329.4 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant is responsible for making the appropriate notifications. The Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first, the internal paging system next and then by pager.

329.4.1 STAFF NOTIFICATION

In the event an incident occurs described in MINIMUM CRITERIA FOR NOTIFICATION, the Chief of Police shall be notified along with the affected Bureau Commander and the Detective Lieutenant if that Bureau is affected.

329.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

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329.4.3 PRESS INFORMATION OFFICER (PIO)

The Press Information Officer shall be called after members of Staff have been notified that it appears the media may have a significant interest in the incident.

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Death Investigation

330.1 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.

330.2 INVESTIGATION CONSIDERATIONS

Emergency Medical Services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Bureau Commander as necessary. The Shift Sergeant will make notification to command staff in accordance with the Major Incident Notification Policy.

330.2.1 INVESTIGATION PROTOCOL

Upon notification of a death, the Medical Examiner Investigator and the Investigation Division or on-call detective will be notified. Each will determine if they need to respond to the scene. If the Medical Examiner Investigator responds to take over the investigation of the scene, the initial officer will remain on scene to assist in the investigation. Notification of next of kin shall be coordinated with the Medical Examiner Investigator. The name of deceased persons shall not be released to the media until notifications to next of kin and Command personnel are made. A press report of the incident shall be prepared by the duty sergeant if needed.

330.2.2 MEDICAL EXAMINER REQUEST

Officers are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners, or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths, or deaths due to other than natural causes. State law requires that the Medical Examiner be notified in any of the following cases (Utah Code 26B-8-205; Utah Code 26B-8-206):

(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 26B-8-201).

(b) Deaths 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 26B-8-207.

(e) The death is under suspicious or unusual circumstances.

(f) The death results from poisoning or overdose of drugs.

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(g) The death results from diseases that may constitute a threat to the public health.

(h) The death results from disease, injury, toxic effect, or unusual exertion incurred within the scope of the decedent's employment.

(i) The death is due to sudden unexpected infant death.

(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 26B-8-115).

(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) The death 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) The death 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.

330.2.3 SEARCHING DEAD BODIES

(a) The Medical Examiner, the Medical Examiner'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 or the Medical Examiner's assistant shall be promptly notified.

(c) The Medical Examiner, with the permission of the Department, 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 or the Medical Examiner's assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or the Medical Examiner'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 or the Medical Examiner'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 or the Medical Examiner's assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

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330.2.4 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 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.

330.2.5 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.

330.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

330.2.7 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigations Division shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Shift Sergeant or Investigations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

330.2.8 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at, or in connection with, the victim's employment, should ensure that the nearest office of the Utah Division of Occupational Safety and Health is notified with all pertinent information.

330.2.9 TRANSPORTATION OF A BODY

If the investigating Medical Examiner determines a death warrants an autopsy, he/she should contact transport services to retrieve and transport the body to the Medical Examiner's Office. If the case is determined to not warrant further investigation by the Medical Examiner's Office, the next of kin should arrange for the transport of the body to a funeral home following completion of an on-scene investigation.

330.3 POLICY

It is the policy of the Park City Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those

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from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted and properly documented.

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Identity Fraud

331.1 PURPOSE AND SCOPE

Identity fraud is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes under the Identity Fraud Act (Utah Code 76-6-1101).

331.1.1 IDENTITY THEFT REPORTING INFORMATION SYSTEM (IRIS)

Officers should ensure that an IRIS report is made by a victim, even if the fraud is initially reported to the Park City Police Department. Upon receiving identity fraud reports via IRIS, investigating officers should contact each victim to verify the situation, enter a case number, the investigating officer's contact information and the case status. This information is automatically returned to a victim's IRIS account, and can be used by the victim to begin resolving issues related to a fraud.

Investigating officers should utilize IRIS in all identity fraud investigations. Investigating officers should also encourage victims to make an IRIS report anytime personal information is stolen (e.g., theft of a driver's license, social security card) and encourage them to establish fraud alerts whenever personal information has been compromised.

331.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity fraud (Utah Code 76-6-1102) shall initiate a report for victims residing within the jurisdiction of the Department. For incidents of identity fraud occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of the Department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and was reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.

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(e) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

331.3 VICTIM REFERRAL TO IRIS

If the victim is unable to respond to the Department, the victim should be informed of the internet website created by the Attorney General which allows a victim of an identity-related crime to report the crime on the website and have the victim's report routed to the appropriate law enforcement agency for the jurisdiction in which the crime occurred (Utah Code 67-5-22).

Web access to additional information is available at IRIS.

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Private Persons Arrests

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private persons' arrests made pursuant to Utah Code 77-7-3.

332.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

If a peace officer does not immediately exercise arrest powers or initiate criminal proceedings by citation or otherwise, he shall notify the victim of domestic violence of his/her right to initiate a criminal proceeding and of the importance of preserving evidence, in accordance with the requirements of Utah Code 77-36-2.1 (Utah Code 77-36-2.2(2)(c)).

(a) When advising any individual regarding the right to make a private person’s arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest.

(b) Private individuals should be discouraged from using force to effect a private person’s arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

332.3 ARRESTS BY PRIVATE PERSONS

Utah Code 77-7-3 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his/her presence.

(b) When a felony has been in fact committed, and he/she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed. The felony must in fact have taken place.

332.3.1 MANNER OF MAKING PRIVATE ARREST

The person making the arrest shall inform the person being arrested of his intention, cause and authority to arrest him. Such notice shall not be required when (Utah Code 77-7-6):

(a) There is reason to believe the notice will endanger the life or safety of the person or another or will likely enable the party being arrested to escape.

(b) The person being arrested is actually engaged in the commission of, or an attempt to commit, an offense.

(c) The person being arrested is pursued immediately after the commission of an offense or an escape.

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332.3.2 FORCE TO MAKE A PRIVATE PERSONS ARREST
Any person is justified in using any force, except deadly force, that he/she reasonably believes to be necessary to effect an arrest or to defend himself/herself or another from bodily harm while making an arrest (Utah Code 76-2-403).

332.4 OFFICER RESPONSIBILITIES
Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual pursuant to a Citation (Notice to Appear Form). The private person's name who made the arrest must appear on the citation (Utah Code 77-7-20(2)(f)).
3. Release the individual and file a formal complaint with the County Attorney's Office through the Investigations Division (complaint route).

332.5 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest Form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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Limited English Proficiency Services

333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

333.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Park City Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

333.2 POLICY

It is the policy of the Park City Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

333.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Field Operations Bureau Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the Park City Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Sergeant and Communications Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

333.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

333.5 TYPES OF LEP ASSISTANCE AVAILABLE

Park City Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

333.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

333.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

333.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

333.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

333.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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333.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

333.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

333.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Park City Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

333.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Dispatch Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

333.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

333.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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333.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

333.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

333.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

333.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

333.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained; the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

333.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Communications with Persons with Disabilities

334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

334.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - These are used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY) or videophones (video relay service or VRS); use of taped text; use of qualified readers; or use of a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102). This includes a person who has a hearing loss that requires the use of a Telecommunications Device for the Deaf (TDD) to communicate effectively on the telephone (UAC R746-8-405).

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters. Qualified interpreters should have a certification approved by the Utah Division of Services for the Deaf and Hard of Hearing Interpreters Certification Board (Utah Code 35A-13-605; UAC R993-300-301 et seq.).

334.2 POLICY

It is the policy of the Park City Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

334.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Field Operations Bureau Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

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(a) Working with the City ADA coordinator regarding the Park City Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Sergeant and Communications Supervisor. The list should include information regarding the following:

1. Contact Information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

334.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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334.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Park City Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

334.6 TYPES OF ASSISTANCE AVAILABLE

Park City Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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334.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

334.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

334.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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334.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

334.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

334.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

334.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

334.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

334.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

334.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

334.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

334.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

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(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals who are disabled should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

334.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Dispatch Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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Mandatory School Employee Reporting

335.1 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.

335.2 POLICY

The Park City Police Department will meet the reporting mandates of Utah Code 53-10-211 to minimize the risks to children or others.

335.3 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 Office 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 76-5-4 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.

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Public Safety Video Surveillance System

336.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

336.2 POLICY

The Park City Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

336.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

336.3.1 MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

(d) To assist in identifying, apprehending and prosecuting offenders.

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(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Shift Sergeant's office and the Dispatch Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Shift Sergeant or trained personnel at the Dispatch Center are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

336.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

336.4 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

336.4.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails,

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including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

336.5 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Park City Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Shift Sergeant for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

336.6 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

336.7 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

336.7.1 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups 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.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

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336.8 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Chaplain Program

337.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Park City Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

337.2 POLICY

The Park City Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

337.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

337.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Park City Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

337.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and 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. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

337.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

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(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain 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 the authorized designee.

337.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Park City Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Park City Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

337.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Bureau Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Sergeant.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

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(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

337.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Field Operations Bureau. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Park City Police Department.

337.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

337.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call based on the direction of the chaplain coordinator.

(b) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

(c) Chaplains shall be permitted to ride with officers during any shift and observe Park City Police Department operations, provided the Shift Sergeant has been notified and has approved the activity.

(d) Chaplains shall not be evaluators of members of the Department.

(e) In responding to incidents, a chaplain shall never function as an officer.

(f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

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(h) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

337.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

337.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the mission of the Department. When possible, chaplain(s) will meet with victims, family members, or others involved away from the scene in a safe location. Officers shall ensure the safety of the scene and the chaplain(s) prior to a response to any scenes or incidents.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

337.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

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(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

337.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

337.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Park City Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Park City Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

337.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide

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- Officer injury or death
- Sensitivity and diversity

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Child and Dependent Adult Safety

338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

338.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Park City Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

338.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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338.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
2. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify Child Protective Services, if appropriate.

(d) Notify the field supervisor or Shift Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

338.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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338.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. How, where and with whom or which agency the child was placed

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

338.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

338.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

338.5 TRAINING

The Training Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Volunteer Program

339.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order 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.

339.1.1 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.

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Off-Duty Law Enforcement Actions

340.1 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 Park City Police Department with respect to taking law enforcement action while off-duty.

340.2 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).

340.3 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.

340.4 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.

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(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.

340.4.1 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 an Park City Police Department officer until acknowledged. Official identification should also be displayed.

340.4.2 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.

340.4.3 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. Non-sworn personnel should wear uniforms or clothing clearly distinguishable from sworn officers.

340.4.4 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.

340.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of an Park City Police Department Supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Park 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 Shift Sergeant 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.

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Canines

341.1 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.

341.2 POLICY

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

341.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Field Operations Bureau to function primarily in assist or cover assignments. However, they may be assigned by the Shift Sergeant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Sergeant.

341.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Field Operations Bureau 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.

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341.5 REQUESTS FOR CANINE TEAMS

Field Operations Bureau members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Field Operations Bureau shall be reviewed by the Shift Sergeant.

341.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift Sergeant 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) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

341.5.2 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.

341.6 APPREHENSION GUIDELINES

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any 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.

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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 Shift Sergeant. 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.

341.6.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to 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 in order to minimize interference with the canine.

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341.6.2 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.

341.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

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

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

341.7 NON-APPREHENSION GUIDELINES

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

(a) Absent a change in circumstances that presents an imminent threat to 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 in order to minimize interference with the canine.

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(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.

341.7.1 ARTICLE DETECTION

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

341.7.2 NARCOTICS DETECTION

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

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

341.7.3 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.

341.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

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(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Park City City limits.

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

341.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Park City Police Department facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(g) 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.

(h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Sergeant.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Sergeant.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

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

(a) A canine shall not be left unattended in any area to which the public may have access.

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

341.10 HANDLER COMPENSATION

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

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

341.11 CANINE INJURY AND MEDICAL CARE

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

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

341.12 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 in order 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 Shift Sergeant.

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341.12.1 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 Park 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.

341.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

341.12.3 TRAINING RECORDS

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

341.12.4 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 Park City Police Department may work with outside trainers with the applicable licenses or permits.

341.12.5 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).

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

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

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

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341.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

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

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

341.12.7 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.

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(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).

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Department Use of Social Media

342.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

342.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

342.2 POLICY

The Park City Police Department may use social media as a method of effectively informing the public about department services, issues, investigations, and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

342.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

342.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission, and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

342.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Press Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

342.5 PROHIBITED CONTENT

Content that is prohibited from posting includes but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the Park City Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects, or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy, or a supervisor.

(h) Personal information of an officer, or the officer's immediate family member.

1. The Chief of Police or the authorized designee shall provide the officer with a form to request that the information remain private (Utah Code 53-18-102; Utah Code 53-18-103).

Any member who becomes aware of content on this department's social media site that they believe is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

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342.5.1 PUBLIC POSTING PROHIBITED
Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

342.6 MONITORING CONTENT
The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. The same supervisor should review the department social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

342.7 RETENTION OF RECORDS
The Administration Bureau Commander should work with the Records Officer to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

342.8 TRAINING
Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination, and retention of information posted on department sites.

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Native American Graves Protection and Repatriation

343.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

343.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

343.2 POLICY

It is the policy of the Park City Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

343.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/private land - Antiquities Section of the Utah State Historic Preservation Office (Utah Code 9-8a-304 et seq.)
- Tribal land - Responsible Indian tribal official

343.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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Community Relations

344.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

344.2 POLICY

It is the policy of the Park City Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

344.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Dispatch Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Dispatch Center of their location and status during the foot patrol.

344.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

(a) Obtaining department-approved training related to his/her responsibilities.

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(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Field Operations Bureau Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending City council and other community meetings to obtain information on community relations needs.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

344.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the Department

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

344.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youths, to interact in a positive setting. Examples of such programs and events include:

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(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood watches and crime prevention programs.

344.7 INFORMATION SHARING

The community relations coordinator should work with the Press Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

344.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Along Program Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the department.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

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344.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

344.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Department to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the department and the community.

(d) Participate in community outreach to solicit input from community members, including youths from the community.

The Training Sergeant should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

344.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the County Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

344.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community

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advisory committee to identify information that may increase transparency regarding department operations.

344.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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WRONG-WAY DRIVER INTERCEPT

345.1 PURPOSE AND SCOPE

The "Wrong-Way Vehicle Intercept Technique" is for use on limited-access interstate highways to stop vehicles traveling against traffic which create a deadly and significant hazard to the motoring public.

(a) The wrong-way intercept does not supersede other sections of the pursuit policy that require officers to exercise due regard, and which prohibits the pursuit of fleeing suspects wrong-way on public roads. This technique allows the officer(s) to travel wrong-way for a short duration, and only for the purpose of utilizing the intercept technique to stop wrong-way drivers.

(b) The utilization of pursuit-intervention-techniques i.e. the PIT, ramming, tire deflating devices, and boxing-in, must be weighed against the risk to the officer and to the public, as well as the need to stop the wrong-way vehicle quickly and efficiently. All standards, techniques, and requirements of the traditional PIT maneuver still apply.

(c) Officers may utilize the wrong-way vehicle intercept technique only when all of the following requirements are met:

1. Hard road closure(s) or slowdown(s) are in place, restricting traffic in the area;
2. The intercepting officer has a clear line of sight, verifying there is no live traffic on the roadway, and that there is adequate space allowing enough distance to stop the wrong-way vehicle safely prior to contacting stopped traffic which is being held by other officers at a closure or a slowdown;
3. The use of the technique has received supervisor/designee approval; and
4. Any officer involved in the technique, who is in motion traveling the wrong way, must have both lights and siren activated.

(d) If no other options or techniques are feasible, ramming a wrong-way vehicle with the intent to disable it may be used, keeping in mind the extreme risk involved to both the officer and the wrong-way driver.

345.2 WHEN TO TERMINATE THE WRONG-WAY DRIVER INTERCEPT

Officers shall terminate the wrong-way vehicle intercept technique when any of the following occur:

- The distance between the officer and the wrong-way driver is so great that further attempts to intercept would be futile or require the interception attempts to continue for an unreasonable time and/or distance;
- The wrong-way driver's location is no longer definitely known;
- Traffic conditions substantially increase the danger to the uninvolved motoring public and reasonably appear to outweigh the immediate risk posed by the wrong-way driver;
- The wrong-way driver bypasses the initiating officer; or
- The wrong-way driver intercept is terminated by a supervisor.

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- The wrong-way driver corrects the direction of travel and ceases to pose an immediate public safety threat.

345.3 WRONG-WAY DRIVER INTERCEPT UNITS

The utilization of multiple officers may be required to facilitate the wrong-way driver intercept however, only one (1) unit shall perform the wrong-way driver intercept at a time. The purpose of this section is to limit the number of officers traveling against the regular flow of traffic to one (1) unit. The wrong-way driver intercept may be terminated and then re-initiated.

345.4 SUPERVISOR RESPONSIBILITIES

Upon becoming aware that the wrong-way driver intercept has been initiated, the supervisor should monitor and continually assess the situation and ensure the wrong-way driver intercept is conducted within the guidelines and requirements of this policy. The supervisor has the final responsibility for the coordination, control, and termination of a wrong-way driver intercept and shall be in overall command.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Bureau 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 Park City, 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 Oriented Policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol Bureau and other Bureaus 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 Oriented Policing and problem solving strategies.

(i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Park City Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. 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 or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigations Division Supervisor in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various Bureaus of the Park City Police Department.

400.2.1 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.

400.2.2 PATROL BRIEFING

Patrol supervisors, detectives, and special unit officers 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.

400.2.3 INFORMATION SHARING, ATLS, BOLOS, PROPERTY WATCHES

In addition to Briefings, the Spillman Message Center and email system shall be vehicles for passing along information that needs to go to all members of the department. These postings may include, but not be limited to, property watches for a particular need, traffic enforcement requests, wanted persons, ATLs and BOLOs, officer safety information, and any other official information requiring dissemination.

400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the briefing room for display of suspect information, intelligence reports and photographs, current probationers and parolees, training opportunites, overtime postings, and other items for member notification. Bulletin boards are for official department business only.

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.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Park City Police Department's commitment to policing that is fair and objective (Utah Code 10-3-913; Utah Code 17-72-301; 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:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), 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 (Utah Code 53-6-210.5). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 POLICY

The Park 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 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited (Utah Code 53-6-210.5).

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 their 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 bias-based actions by another member (Utah Code 53-6-210.5).

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.

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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 the officer's supervisor in a timely manner.

    1. Supervisors should document these discussions in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Digital 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 or data 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 (Utah Code 53-6-211).

(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 (Utah Code 53-6-210.5).

401.6 ADMINISTRATION

The Field Operations Bureau Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

(a) Explicit and implicit biases.

(b) Avoiding improper profiling.

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Annual Training

402.1 PURPOSE AND SCOPE

This policy outlines the required and mandatory training requirements, expectations, and obligations for department members.

402.1.1 MANDATORY TRAINING REQUIREMENTS

Members of the department are required to obtain and/or maintain certain skills, knowledge and certifications to ensure they are able to complete specific job assignments. Each Law Enforcement Officers must complete at least 40 hours of P.O.S.T. certified training to maintain their state certification.The following training is required for members of the department, as follows:

(a) Sworn Personnel
    1. Firearms Qualification - Semi-annual
    2. Use of Deadly Force - Annual
    3. Use of Force - Annual
    4. Search and Seizure - Annual
    5. Civil Liability - Annual
    6. Arrest Control - Annual
    7. CPR/Blood Bourne Pathogens - Annual
    8. Intoxilizer Certification - Must be current based on State requirements
    9. Radar/Lidar Certification - Must be current based on State requirements
    10. 16 hours of training focusing on mental health and other crisis intervention responses, arrest control, and de-escalation

(b) Non-Sworn Personnel
    1. CP/Blood Borne Pathogens - Annual

(c) Dispatchers
    1. CPR/Blood Bourne Pathogens - Annual
    2. BCI Certification - Annual
    3. EMD Certification - Annual

402.1.2 TRAINING PROCESSES AND REPORTING

The Chief of Police has appointed the Administrative Section Captain as the department training officer. The responsibility of maintaining an annual training log belongs to each member. Scheduling members for training, and evaluating training needs of the department will be done by the sergeant assigned to Department training, in concert with the Administration Captain. Upon completion of the training year, the Administration Captain forwards officer training records to the

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Annual Training

POST. To insure proper accounting, it is imperative that officers log all training and be prepared to submit their training log prior to July 31st.

The Chief of Police may require attendance at specific training functions for all personnel, or from time to time may select personnel to attend a specific training program. Additionally, personnel are free to request specific training programs that fit their individual job needs or desires. The department rank structure outlines specific training objectives and courses of study designed to enhance career development. The department pays training expenses and overtime for approved training programs. Payment for approved training may be prepaid through the Purchase Order process or reimbursed to the member upon submission of qualified receipts, on a City approved reimbursement form. Those expecting reimbursement must have the potential expenses examined and approved prior to training by the first line supervisor and Administration Captain. In some cases a "per diem" can be arranged through the administrative assistant with two weeks notice prior to travel.

Members wishing to take courses in higher education may do so through the citywide employee education assistance program. The Human Resource Manager should be contacted for information and instruction.

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Line Up/Roll Call

403.1 PURPOSE AND SCOPE

This policy discusses the activity of roll call and includes the tasks that should be accomplished during this short period.

403.2 POLICY

Line Up/Roll Call is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

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Crime and Disaster Scene Integrity

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

404.2 POLICY

It is the policy of the Park City Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

404.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

404.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

404.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

404.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

404.6 EXECUTION OF HEALTH ORDERS

Any sworn member of the Park City Police Department may assist in enforcement of orders of restriction issued by the Department of Health and Human Services or local health authority for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Utah Code 26B-7-304; Utah Code 26B-7-306).

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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 Park 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 15-years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

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. Normally, the maximum time per ride along is four hours and two per year is the maximum number of ride alongs allowed for an individual . Exceptions to this schedule may be made as approved by the Chief of Police, Section Commander or Shift Sergeant.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the shift sergeant. 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.

The shift sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise of the denial.

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405.2.1 PROGRAM REQUIREMENTS
Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants and all others with approval of the Shift Sergeant.

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. Hats and ball caps will not be worn in the police vehicle. The Shift Sergeant 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 Shift Sergeant. In the event that 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 a local records check and a state records 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 Park 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 consider the safety of the ride-along at all times. 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 shift sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the Ride-Along Waiver Form shall be returned to the shift sergeant with any comments which may be offered by the officer.

405.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.

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(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.

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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 Shift Sergeant 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.

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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 Park 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 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 the Dispatch Center, 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:

(a) The type of material.

(b) How to secure and contain the material.

(c) 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.

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(j) Activate automated community notification systems, if applicable.

(k) Notify the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control.

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Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

407.2 POLICY

It is the policy of the Park City Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

Should circumstances at the scene permit, a supervisor or negotiator may contact the Attorney General or the District Attorney for approval to intercept any wire, electronic or oral communication and/or to use an eavesdropping device (e.g., camera or audio device) when there is an immediate threat of death or serious bodily injury to any person or to national security. The supervisor or negotiator who has been granted approval shall ensure that an application for an appropriate court

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order approving the interception is sought within 48 hours after the interception begins (Utah Code 77-23a-10(7)).

407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

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(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

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(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer (PIO).

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Dispatch Center.

(i) Identify a media staging area outside the outer perimeter and have the department PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

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407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU. The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Park 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 Park 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 Shift Sergeant is immediately advised and informed of the details. This will enable the Shift Sergeant 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 PARK CITY POLICE DEPARTMENT FACILITY

If the bomb threat is against the Park City Police Department facility, the Shift Sergeant 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 Park 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 Shift Sergeant deems appropriate.

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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 Park City, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Sergeant and Command staff are notified so that a designated department representative can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

The Shift Sergeant should be notified when police assistance is requested. The Shift Sergeant 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 Shift Sergeant determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(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) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team 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) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Shift Sergeant including:

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

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, 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) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
(g) Preserve evidence.
(h) Establish an outer perimeter and evacuate if necessary.
(i) Identify witnesses.

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
- Shift Sergeant
- 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

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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 Shift Sergeant 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.

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Involuntary Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under involuntary commitment.

409.2 POLICY

It is the policy of the Park City Police Department to protect the public and individuals through legal and appropriate use of the involuntary commitment process.

409.3 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for detention for the purpose of an involuntary commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources that may be readily available to assist 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.

Involuntary commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

409.3.1 OFFICER DISCRETION

An officer may exercise discretion to not take an individual into protective custody or transport them for involuntary commitment to a local mental health authority if the officer has probable cause to believe, based on experience and de-escalation training, that doing so would increase the risk of substantial danger to the individual or others (Utah Code 26B-5-331). If such discretion is exercised, the officer shall document the details and circumstances of that decision in their report.

409.4 TRANSPORTATION

A person taken into custody for a civil commitment should be transported to a facility designated by the local mental health authority as follows (Utah Code 26B-5-331):

(a) The person should be transported by ambulance if they meet any of the criteria described in Utah Code 53-2d-405 or transportation arrangements have been made by a physician, designated examiner, or mental health officer and the officer's presence is not necessary for public safety.

1. If the person requires physical medical attention, they should be transported by ambulance to an appropriate medical facility.

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(b) When the person is not transported by ambulance and the designated facility is within the jurisdiction of the Park City Police Department, the person should be transported by the detaining officer in accordance with the Transporting Persons in Custody Policy.

1. If the designated facility is outside of this city's jurisdiction, a request should be made to the appropriate agency to transport the person to the designated facility.

409.5 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 an involuntary 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.

409.6 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 26B-5-331).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.7 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody through an involuntary commitment should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an involuntary commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an involuntary 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

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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.

409.8 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a civil commitment, the handling officers should seek to determine if the person 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 officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.9 TRAINING

This department will endeavor to provide POST-approved training on interaction with persons with a mental disability, involuntary commitments, and crisis intervention.

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Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Park 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 Park 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 PROHIBITIONS

The release of a suspected offender on a citation is not permitted if prohibited by local court rule.

See the Domestic Violence Policy for release restrictions related to those investigations.

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.

410.6 STATE PRIVILEGES

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410.6.1 LEGISLATIVE PRIVILEGE

Members of the Legislature shall not be subject to civil 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 VOTER PRIVILEGE

A person who attends an election or who is traveling to and from a voting location shall not be subject to civil arrest on an election day, except for an act of treason, a felony, or a breach of the peace (Utah Constitution Article IV § 3).

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Arrest or Detention of Foreign Nationals

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Park City Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

411.3 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

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1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
4. Honorary consular officers

411.4 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.4.1 DOCUMENTATION PROCEDURES

An officer who stops a person holding a driver's license issued by the DOS or otherwise claiming privileges or immunities, for a moving traffic violation or any of the following offenses while operating a vehicle shall document all of the relevant information from the driver's license or identification card (Utah Code 41-6a-1901):

(a) Automobile homicide

(b) Manslaughter

(c) Negligent homicide

(d) Aggravated assault

(e) Reckless endangerment

The Records Center shall forward such information with a copy of the traffic citation, vehicle accident report, or written report of the incident, as applicable, to the Department of Public Safety (DPS) within five working days (Utah Code 41-6a-1901).

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411.5 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or	Enter	Issued	Subpoenaed	Prosecuted	Recognized
Diplomatic	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability
Member of	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Consulate	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability
Support	Yes	Yes	Yes	Yes	No for official act Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

411.6 POLICY

The Park City Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

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Rapid Deployment Team/Active Shooter

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 Park 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

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

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.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved out of danger or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

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(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In 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.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.5 PLANNING

The Field Operations Bureau 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 Sergeant should include rapid response to critical incidents in the training plan. This training should address:

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(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).

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Park City Police Department relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the Park City Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

In keeping with this commitment, race, color, or national origin will not be considered under this policy except to the extent permitted by the constitutions of the United States and Utah (Utah Code § 76-14-202).

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Utah constitutions.

413.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Park City Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. § 1373, 8 U.S.C. § 1644 and Utah Code § 67-5-28).

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413.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Utah Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

(a) An admission that the person entered the United States illegally.

(b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.

(c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.

(d) Other factors based upon training and experience.

413.4.2 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

(a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)

(b) Immigration and Customs Enforcement (ICE)

(c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287(g) certified officer, ICE or CBP whether a person’s presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the officer should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

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413.4.3 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

(a) Confirm that the detained person's immigration status was properly verified.

(b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:

1. Transfer to federal authorities.

2. Lawful arrest for a criminal offense or warrant.

413.4.4 INVESTIGATING HUMAN TRAFFICKING OR SMUGGLING

When an officer conducts a lawful traffic stop and reasonably suspects that any person in the vehicle is violating Utah human trafficking or human smuggling laws, the officer shall investigate the suspected violations and inquire into the immigration status of the occupants of the vehicle. An officer may not delay or postpone addressing the original purpose of the stop merely to confirm a person's immigration status (Utah Code 76-14-202).

413.4.5 VERIFICATION OF IMMIGRATION STATUS

A person's citizenship or immigration status shall be verified whenever the person is lawfully arrested for a felony or misdemeanor offense and is unable to provide an identifying document as listed in Utah Code 76-14-203 and the officer is otherwise unable to verify the identity of the person. Verification of immigration status should take place at the time of the booking and not in the field (Utah Code 76-14-202).

413.4.6 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

413.5 ARREST NOTIFICATION TO FEDERAL IMMIGRATION OFFICIALS

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

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413.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

413.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

413.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Division supervisor assigned to oversee the handling of any related case. The Investigations Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

413.8.1 U NONIMMIGRANT STATUS GUIDELINES

U nonimmigrant status requests shall be processed and maintained in a manner consistent with Utah Code 77-38-503 and federal guidelines.

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The Investigation Bureau Commander should ensure certification requests conducted by this agency are processed within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification should be processed within 14 days of request (Utah Code 77-38-503).

413.8.2 REPORTING REQUIREMENTS

Before June 30 of each year, the Chief of Police shall submit a report of the following information to the Commission on Criminal and Juvenile Justice (Utah Code 77-38-503):

(a) The number of victims that requested U nonimmigrant certifications from the agency

(b) The number of U nonimmigrant certifications that were signed

(c) The number of U nonimmigrant certifications that were denied

413.9 TRAINING

The Training Sergeant should ensure that officers receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Emergency Utility Service

414.1 PURPOSE AND SCOPE

The City public works department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Department. Requests for such service received by this department should be handled in the following manner.

414.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Dispatch Center.

414.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or public works should be promptly notified, as appropriate.

414.1.3 RESERVOIRS, PUMPS, WELLS

Public works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

414.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Dispatch Center.

414.2 TRAFFIC SIGNAL MAINTENANCE

The City of Park City contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of Utah.

414.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Dispatch Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Field Training Officer Program

415.1 PURPOSE AND SCOPE

The Field Training Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Park City Police Department.

It is the policy of the Department to assign all new police officers to a structured Field Training Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner. This policy is not meant to be inclusive of all of the Field Training Program procedures. The FTO standard training model will be followed as the program outlines and the Department sees fit to modify it to meet the training needs of the department.

415.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The FieldTraining Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

415.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Possess a POST Basic certificate.

(c) Demonstrated ability as a positive role model.

(d) Must be a Senior Officer with the department.

(e) Exceptions can be made by the Field Training Officer supervisor.

415.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST-certified Field Training Officer's Course prior to being assigned as an FTO.

FTO's should attend on going Field Training Officer training while assigned to the position of FTO, as needed.

415.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Operations Section Commander or designee and shall possess a POST First-Line Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

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(c) Maintain and ensure FTO/Trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

(g) Maintain liaison with FTO Coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

415.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Park City Police Department who has successfully completed a POST-approved Basic Academy.

415.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 12 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience.

To the extent practical, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

415.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Park City Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Park City Police Department.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor at the end of each training phase. Daily performance logs may be kept to help the FTO recall performance and evaluations can be done on a daily basis if the FTO chooses or wants to address and document a specific training need.

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(b) Review the written evaluations with the trainee as needed.

(c) Attend a monthly meeting, conducted by the FTO supervisor, to discuss the evaluations and performance of the trainee

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

415.6.2 IMMEDIATE SUPERVISOR

The Field Training supervisor shall review and approve the Daily Observation Reports and forward any reports of concern to the Operations Section Commander.

415.6.3 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

415.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Any daily, weekly, or monthly evaluations.

(b) End of FTO evaluations.

(c) A Memorandum of Completion certifying that the trainee has successfully completed the required tasks of the Field Training Program.

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Obtaining Air Support

416.1 PURPOSE AND SCOPE

The use of a law enforcement helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

416.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

416.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Shift Sergeant, or designee, will call the closest agency having helicopter support available. The Shift Sergeant will apprise that agency of the specific details of the incident prompting the request.

416.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

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Contacts and Temporary Detentions

417.1 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.

417.1.1 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.

417.2 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 Park City Police Department to strengthen community involvement, community awareness, and problem identification.

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417.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer 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 the individual is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that the individual 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 the individual 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.

417.3 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.

417.4 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.

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417.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

417.4.2 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.

417.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant 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.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation are relevant to criminal organization/enterprise enforcement, the Shift Sergeant will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Center.

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.

417.4.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

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417.4.5 NOTICE REQUIREMENT FOR PHOTOS
Prior to taking a photograph, the officer shall notify the individual that their image may be used in conjunction with facial recognition technology, if applicable (Utah Code 77-23e-105). See the Facial Recognition Technology Use Policy for additional guidance.

417.5 POLICY

The Park 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.

417.6 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 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 should attempt to identify the witness prior to the witness's 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 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.

417.7 FIELD IDENTIFICATIONS

Officers assigned to duties outside of department facilities shall be supplied a portable biometric capture device while on-duty to assist in identifying suspects and witnesses (Utah Code 53-25-802).

If a field detainee is unable or unwilling to provide identification, or if an officer is unable to verify a driver license or has reasonable suspicion to believe that the identification presented is fraudulent, the officer should, if practicable, attempt to identify the detainee by taking a quick fingerprint using their portable biometric capture device (Utah Code 53-3-202).

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Criminal Organizations

418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Park City Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

418.2 POLICY

The Park City Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

418.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to, or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

418.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Center. Any supporting documentation for an entry shall be retained by the Records Center in accordance with

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the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Center are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

418.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system (CIS) only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

418.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Center or Evidence Room, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, the Dispatch Center records, or booking forms.

(c) Shall not include opinions. No person, organization, or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

418.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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418.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization, or enterprise is involved in criminal activity and should forward that information appropriately. Examples include but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

418.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

418.7 CRIMINAL STREET GANGS

The Investigations Division supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members, and patterns of criminal gang activity, as described in Utah Code 76-9-802 et seq. and Utah Code 53-25-601 et seq.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes (Utah Code 53-25-602).

418.8 TRAINING

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

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(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Protest Response Plan

419.1 PURPOSE AND SCOPE

This plan outlines the preparation for, response to and recovery from organized protests held within the incorporated limits of Park City.

419.1.1 PREPARATION AND RESPONSE

Preparation - Members of the Administrative/Command Staff will make every effort to meet with and accommodate the requests of groups wishing to hold a protest, no matter the cause, within the incorporated limits of Park City, in an effort to protect and preserve the freedoms afforded all citizens, and to preserve the public safety of Park City and its citizens and guests. Individuals or groups have the right of free speech in traditional public forums Traditional public forums are those places that by long tradition or by government fiat, have been devoted to assembly and debate in which the rights of the State to limit expressive activity are sharply circumscribed. Streets and parks have traditionally been held in trust for the use of the public and, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Certain private or commercial areas by their use have become a quasi public forum for the discussion of public questions. It is Park City's intention to support the expression of speech, while continuing to protect property owner's interest.

Response - The police department will provide support to the protest groups to assist them in accomplishing their protest and protecting the participants of the event, and the citizens and guests of Park City. The police department will:

(a) Divert and control vehicle and pedestrian traffic away from the protest area if necessary.

(b) Identify affected property owner and determine if reasonable time, place and manner for protests have been identified and published to the protesters.

(c) Identify the leaders of the protest and attempt to negotiate peaceful resolution of problems.

(d) Protect the surrounding area from damage or attack,

(e) Remove individuals if obstructing the right of way of streets or sidewalks

(f) Cite or Arrest violators of the state or municipal law if necessary. Officers will maintain a neutral stance, use tolerance and discretion and be certain that any arrests made are based on behavior and not the message.

(g) Normalize traffic and pedestrian flow as soon as possible.

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Shift Sergeants

420.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

420.2 DESIGNATION AS ACTING SHIFT SERGEANT

When a Sergeant is unavailable for duty as Shift Sergeant, in most instances a Captain shall be designated as acting Shift Sergeant.

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Portable Video Recorder (PVR) Procedure

421.1 PURPOSE AND SCOPE

The Park City Police Department may issue Body Worn Cameras (BWC) to personnel and may equip 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.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes a Portable Video Recorder (PVR) system to transmit or store video or audio data in an active mode.

Body Worn Camera (BWC) system: refers to any system that captures audio and video signals that is affixed to a police personnel's uniform.

Mobile Audio Video (MAV) system - refers 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.

Portable Video Recorder (PVR) - refers to both Body Worn Cameras (BWC) and Mobile Audio Video (MAV) systems which are designed to record both audio and video of field activity in the course of official police duties.

Portable Video Recordertechnician - Personnel certified or trained in the operational use and repair of BWCs and MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

Personally Identifiable Information(PII): Personally Identifiable Information (PII) is information that can be used, bu itself or together with other information, to identify someone.

Breach: Loss of control, compromise, unauthorized disclosure, unauthorized acquisition, or a similar occurrence where (1) a person other than an authorized user accesses or potentially accesses PII or (2) an authorized user accesses or potentially accesses PII for an other than authorized purpose.

421.2 POLICY

It is the policy of the Park City Police Department to use Portable Video Recorder (PVR) technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

Employees shall not use a PVR to record any personal conversation of or between another employee without the recorded employee's knowledge.

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Employees are prohibited from using department-issued PVRs for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Only trained personnel shall operate PVR equipment.

421.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Park City Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the Portable Video Recorder (PVR) system's operation in accordance with manufacturer specifications and department operating procedures and training. Officers should ensure the equipment is properly charged, there is sufficient storage capacity and that the equipment is functioning properly. Any problems with a PVR unit should be brought to their supervisor's attention.

While on patrol, police personnel who are issued a Body Worn Camera (BWC) will wear the camera affixed to their uniform in a manner that properly secures the camera with the alligator-clip backing. The camera should be worn in a manner and location on the uniform that is conducive to effective filming and evidence gathering, taking into consideration differences in body sizes and gender.

System documentation is accomplished by the officer recording his/her name and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the unit out of service unless a supervisor requests the unit remain in service.

421.4 ACTIVATION OF THE MAV

Body Worn Camera (BWC) System: A BWC system should be activated anytime it is reasonable, practical and prudent to document a police employee is acting in an official capacity while interacting with members of the public

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Mobile Audio Visual (MAV) System: 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. This policy does not require the officers to inform individuals whom they have encountered that their body-worn camera (BWC) is activated and recording audio/video.

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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.

421.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the PVR 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. The PVR 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

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(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

421.4.2 CESSATION OF RECORDING

Once activated, the PVR 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.

421.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of a PVR system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

421.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors will have knowledge of and address the following issues:

(a) Employees have completed the department's PVR training program prior to using the equipment.

(b) Employees follow established policies and procedures for the use and maintenance of the equipment, handling of recordings, and the completion of all necessary documentation.

(c) Repairs of damaged equipment or non-functional equipment is completed in a timely manner.

(d) Equipment is adequately secured to prevent it from being misplaced or misappropriated.

(e) Identify and preserve imagery that will be used in a criminal prosecution, potential civil litigation or personnel complaint.

(f) If a complaint is associated with a recorded event the supervisor will flag the video for indefinite retention. '

At reasonable intervals, supervisors should:

(a) Validate that beginning and end-of-shift recording procedures are followed.

(b) Conduct random reviews of selected recordings in order to assess officer performance

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, PVR technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

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421.5 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 PVR 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 PVR 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 an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee

(j) To assess possible training value

(k) 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 Shift Sergeant. Approved requests should be forwarded to the PVR technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

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421.6 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.

421.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

421.7.1 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.

421.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a PVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Park City Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are flagged and preserved.

421.8 MAV SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles

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to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

421.9 TRAINING

All members who are authorized to use a PVR system shall successfully complete an approved course of instruction prior to its use.

421.10 POLICY REVIEW

This policy will be reviewed for continuous effectiveness and adherence to local, state, and federal laws by the Department.

421.10.1 DUTY TO REPORT BREACH OF CONFIDENTIAL INFORMATION

The Park City Police Department shall report an actual or imminent breach of personally identifiable information to Justice and Security Strategies, Inc., within 12 hours of when it occurs by contacting the Park City IT Department through email or 5123.

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Mobile Digital Terminal Use

422.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital 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.

422.2 POLICY

Park 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.

422.3 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).

422.4 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 Shift Sergeants.

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.

422.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

422.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Sergeant 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:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

422.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT.

422.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Sergeant is notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

422.6 EQUIPMENT CONSIDERATIONS

422.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the Dispatch Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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422.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Portable Audio/Video Recorders

423.1 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 Park City Police Department facility, or to wiretaps or eavesdropping (concealed listening devices). Except to the extent provided in Utah Code 77-7a-104, this policy does not apply to officers engaged in undercover operations or assigned to a narcotics unit or a task force engaged primarily in narcotics investigations.

Additional guidance regarding the use of body-worn cameras during the execution of a warrant is found in the Warrant Service Policy.

423.2 POLICY

The Park 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.

423.3 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.

423.4 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).

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.

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When using a portable recorder, the assigned member shall record his/her name, PCPD 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).

423.5 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):

(a) All enforcement and investigative contacts including stops and field interview situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify the Dispatch Center

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(e) Any use of force

(f) Dispatched calls for service

(g) Execution of a warrant

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.

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).

423.5.1 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).

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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.

423.5.2 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).

This policy does not require the officers to inform individuals whom they have encountered that their body-worn camera (BWC) is activated and recording audio/video.

423.5.3 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.

423.6 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-

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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 Shift Sergeant. 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.

423.7 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 recordings should be downloaded by the end of the officer's shift. However, the department recognizes that circumstances may arise that prevent the download of recordings at the end of the officer's shift (i.e., late calls, device malfunctions, etc.). In those cases, officers will advise their supervisors of the delay and download the recordings during the next shift or as directed by

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their supervisor. Each file will be recorded as or tagged with a default descriptor and shall contain information related to the date, BWC identifier, and assigned officer.

423.8 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). 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.

423.9 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.

423.10 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).

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423.10.1 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.

423.11 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).

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Bicycle Patrol Unit

424.1 PURPOSE AND SCOPE

The Park City Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. The quiet operation of the bicycles also can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

424.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officers mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Sergeant.

424.3 SELECTION OF PERSONNEL

When there is a bike officer position open, notification will be made through the notification process outlined in this manual. Interested sworn personnel, who are off probation, shall submit a letter of interest to the Bike Patrol Sergeant. Qualified applicants may be invited to an oral interview. The oral board will consist of the Bike Patrol Sergeant and a second person to be selected by the sergeant. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

Retention of bike patrol officers may be based on performance, physical fitness and ability.

424.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Field Operations Bureau Commander or designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating performance of bicycle officers.

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(e) Coordinating activities with the Field Operations Bureau.

(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

424.4 TRAINING

Participants in the program must successfully complete the Utah POST 32-hour basic training course or a Department-approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

424.5 UNIFORMS AND EQUIPMENT

Officers shall wear the Department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes Department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with Department badge and patches and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone. In colder weather a jacket may be worn. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

424.6 CARE AND USE OF PATROL BICYCLES

(a) Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

(b) Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a Police decal affixed to each side of the crossbar or the bike’s saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front lights and a siren/horn satisfying the requirements of Utah Code 41-6a-1114.

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(c) Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage and citations.

(d) Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

(e) Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides or rear of the bicycle.

(f) Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

(g) If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

(h) Each bicycle will have scheduled maintenance twice yearly to be performed by a Department-approved repair shop/technician.

(i) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

(j) Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

(k) Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor or in the event of an emergency.

(l) Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

(m) Bicycles shall be properly secured when not in the officer's immediate possession.

424.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the Utah Code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions:

(a) In response to an emergency call.

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(b) While engaged in rescue operations.

(c) In the immediate pursuit of an actual or suspected violator of the law.

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Foot Pursuits

425.1 PURPOSE AND SCOPE

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

425.2 POLICY

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

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

425.3 DECISION TO PURSUE

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

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

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

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

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

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

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(e) Air support.

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

425.4 GENERAL GUIDELINES

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

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the Dispatch Center or with backup officers.

(h) The suspect enters a building, structure, confined space, wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinate containment, pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel able to render assistance.

(m) The suspect’s location is no longer known.

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(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness, or other conditions.

425.5 RESPONSIBILITIES IN FOOT PURSUITS

425.5.1 INITIATING OFFICER RESPONSIBILITIES

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

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

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

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

Absent extenuating circumstances any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

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

425.5.2 ASSISTING OFFICER RESPONSIBILITIES

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

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425.5.3 SUPERVISOR RESPONSIBILITIES

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

The supervisor shall terminate the foot pursuit at any time he/she concludes that the danger to pursuing officers or the public outweighs the objective of immediate apprehension of the suspect.

Upon the apprehension of the suspect the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

425.5.4 THE DISPATCH CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Shift Sergeant as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

425.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

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(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Illegal Camping

426.1 PURPOSE

The streets and public property within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to make use of these areas for their proper function. Such activity can constitute a public health and safety hazard that adversely impacts neighborhoods, commercial property and the general welfare of the city. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare. The purpose of this chapter is to maintain streets, parks and other public and private property within the city in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community, while recognizing that, subject to reasonable conditions, camping associated with special events can be beneficial to the cultural and educational climate in the city.

426.2 DEFINITIONS

A. “Camp” means to do any of the following:

1. To sleep any time between the hours of 9:00 p.m. and 9:00 a.m. in any of the following places:

(a) Outdoors with or without bedding, tent, hammock or other similar protection or equipment.

(b) In or under any structure not intended for human habitation, whether with or without bedding, tent, hammock, or other similar protection or equipment.

(c) In, on or under any parked vehicle, including an automobile, bus, truck, travel trailer or other recreational vehicle.

B. “Setting up campsite” means to, at any time, establish or maintain outdoors or in, on or under any structure not intended for human habitation, at any time during the day or night, a temporary or permanent place for cooking or sleeping, by setting up any bedding, including, but not limited to, a sleeping bag, blanket, mattress, tent, hammock or other sleeping equipment or by setting up any cooking equipment with the intent to use that location for sleeping or habitation.

C. “Camp facilities” means structures, equipment or vehicles used for camping, including, but not limited to, tents, huts, temporary shelters, trailers or vehicles, if the vehicle is being used for habitation.

D. “Camp paraphernalia” means implements and equipment used while camping including, but not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, operational cooking facilities, and similar equipment.

E. “Campsite” includes any location used for the purposes of camping.

F. “Habitation” means the intentional use of a space as temporary or permanent living quarters.

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G. “Recreational vehicle” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation, for recreational, emergency, or occupancy.

H. Store” means to put aside or accumulate for use when needed, to put for safekeeping or to place or leave in a location.

426.3 PERMITTED CAMPING

Camping is permitted in Park City only under the following circumstances:

A. On public property specifically set aside and clearly marked for public camping purposes.

B. In conjunction with events authorized and expressly provided for in a special event permit issued by the city of Folsom. To ensure fair and consistent application of this section, the city manager or designee may promulgate guidelines defining the criteria for permit issuance contained in this section.

C. In motor homes or travel trailers designed and equipped for habitation while on designated areas on public or private property in conjunction with community or sporting events in which one or more of the occupants is a participant in or organizer of the event. Camping in connection with a community or sporting event shall not exceed three consecutive nights and only in areas identified by the city manager or his/her designee. The city manager may promulgate guidelines for designated parking areas for such events.

D. In the rear or side yard of a residence with the consent of the owner or occupant of the residence. Camping in the rear or side yard is only permitted if the campsite is separated from the street by a fence, hedge or other permanent obstruction.

E. Inside a licensed and registered vehicle or travel trailer designed and equipped for habitation while in a residential off-street driveway with consent of the owner and occupant of the residence. No more than one vehicle shall be permitted at any one location. No residential driveway shall be used for camping under this subsection for more than ten days during any one calendar month.

F. Inside a licensed and registered vehicle or travel trailer designed and equipped for habitation while on a public residential street and as guests of owners or occupants of a residence within one hundred feet of the location where the vehicle or travel trailer is parked. No vehicle or travel trailer shall be used for camping under this subsection for more than ten days during any one calendar month.

G. Overnight camping in connection with city-sponsored programs.

426.4 STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES

It shall be unlawful for any person to store or leave unattended camp facilities or camp paraphernalia on public property, unless such storage is expressly authorized and in conjunction with a permitted camping activity under this chapter.

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426.5 PUBLIC NUISANCE

Any campsite established in the city in violation of this chapter is declared to be a public nuisance, and the chief of police is authorized to abate the nuisance and remove camp facilities and camp paraphernalia as authorized by law.

426.6 APPLICATIONS OF COVENANTS, CONVENTIONS AND RESTRICTIONS (CCRS)

Nothing in this chapter is intended to preempt CCRs that are more restrictive than the provisions of this chapter.

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Homeless Persons

427.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Park City Police Department recognizes that members of the homeless community are often in need of special protection and services. The Park City Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following when serving the homeless community.

427.1.1 POLICY

It is the policy of the Park City Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

427.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:

1. Proper posting of notices of trespass and clean-up operations in accordance with Homeless Encampment Abatement section..
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated in accordance with Homeless Encampment Abatement section.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

427.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer

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from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

427.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

427.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the removal and safekeeping of the property.

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Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer. Homeless encampment abatement shall be conducted in accordance with Homeless Encampment Abatement section.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

427.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Civil Commitments Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

427.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

427.7 HOMELESS ENCAMPMENT ABATEMENT

Abatement procedures:

(a) When an illegal campsite is located in Park City, the Park City Police Department will be notified and an officer will respond. Occasional sweeps for illegal campsites will be conducted as a protective measure to prevent the formation of large illegal campsites.

(b) The officer shall locate the campsite and identify any occupants of the campsite. The officer may issue citations pursuant to Utah Code Annotated § 76-6-206 (Criminal Trespass). Officers are encouraged to give first-time offenders a warning and to cite or arrest habitual offenders.

(c) Upon discovering an illegal campsite, the officer shall post the illegal campsite with the authorized illegal campsite abatement sign. The officer shall insert the date when the illegal camp will be abated—two days after the date the illegal campsite abatement sign is posted. The sign will be posted whether the campsite is occupied or not.

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(d) The officer shall leave literature at the campsite that provides information on free regional resources for mental health, healthcare, housing, alcohol and drug abuse, food, clothing, job assistance, and veteran's assistance.

(e) The officer shall take photographs of the illegal campsite that include photographs of the authorized illegal campsite abatement sign, referral literature and all personal property in any shape or condition existing at the campsite. The photographs shall be booked into Spillman.

(f) The officer shall contact the Homeless Liaison Officer to notify the Officer of the illegal campsite.

(g) The Homeless Liaison Officer shall coordinate the clean-up of the illegal campsite with City personnel or contracted services.

(h) On the day the illegal campsite is abated and cleaned-up, the Homeless Liaison Officer shall be present with the clean-up crew. The Homeless Liaison Officer shall take overall photographs of the campsite before abatement begins. The Homeless Liaison Officer shall take close-up photographs of all items remaining at the campsite, regardless of their shape or condition. The Homeless Liaison Officer shall inventory in writing, with sufficient description, all property removed from the campsite for safekeeping.

(i) The Homeless Liaison Officer shall document the reason(s) for disposing of any specific items of personal property and shall take close-up photographs of these items to assist in his or her justification for disposing of them.

1. No property shall be disposed without photographing and documentation of rationale.
2. No property shall be disposed solely under the assumption that they are (or might be) abandoned.
3. All reasonable efforts shall be made to safeguard the property removed from the campsite for safekeeping.
4. The clean-up crew shall transport items removed from the illegal campsite to the location designated by the Park City Police Department. Precautionary measures must be taken, through appropriate protective gear, clothing or equipment, to handle potentially hazardous materials by the officer and the clean-up crew.

(j) The Homeless Liaison Officer shall book any personal property for safekeeping at the police department and shall log the inventory of items removed for safekeeping which shall be held in accordance with Policy 802 Property and Evidence.

(k) The initial responding officer shall prepare an incident report regarding the actions taken to abate the illegal campsite. The Homeless Liaison Officer shall complete a supplement report as to their actions during abatement/clean-up. This report will minimally include:

1. The date and time the illegal campsite was located and a general description of the campsite.

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2. The identities of any person located at the illegal campsite and what enforcement action was taken.
3. A general description of the location of the illegal campsite.
4. That the authorized illegal campsite abatement sign was posted at the campsite and that literature was left regarding free resources available in the Summit County region.
5. The date the authorized illegal campsite abatement sign was placed on the illegal campsite.
6. The date the campsite was photographed.
7. That code enforcement was notified and which code enforcement officer responded.
8. The date and time the campsite was abated.
9. That the campsite was photographed on the date of abatement and close-up photographs were taken of personal property items that were collected or disposed of.
10. A detailed inventory property page consisting of all items removed from the campsite for safekeeping.
11. A list of any property disposed of and the reasons for disposal. This does not apply to items that a reasonable person might generally consider as trash or rubbish.

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Public Recording of Law Enforcement Activity

428.1 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.

428.2 POLICY

The Park 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.

428.3 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).

428.4 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

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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.

428.5 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.

428.6 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

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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.

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Automated License Plate Readers (ALPRs)

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of the automated license plate reader (ALPR) technology (Utah Code 41-6a-2003).

429.2 ADMINISTRATION

The ALPR technology, also known as license plate recognition (LPR), allows for the automated detection of license plates. It is used by the Park City Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Administration Bureau Commander. The Administration Bureau Commander will assign personnel under the Administration Bureau Commander's command to administer the day-to-day operation of the ALPR equipment and data.

429.2.1 SPECIAL USE PERMITS

The Administration Bureau Commander or the authorized designee shall obtain required special use permits before installation of stationary ALPR equipment when applicable (Utah Code 41-6a-2003; Utah Code 72-1-212).

429.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use or allow others to use the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business (Utah Code 41-6a-2003).

(b) Particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings, and other major incidents that qualify for use of an ALPR. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(c) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(d) If practicable, the officer should verify an ALPR response through the appropriate law enforcement database before taking enforcement action that is based solely upon an ALPR alert.

(e) No ALPR operator may access confidential department, state, or federal data unless otherwise authorized to do so.

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429.3.1 LIMITATIONS ON USE
ALPR data shall only be used for the following official law enforcement business (Utah Code 41-6a-2003):

(a) As part of an active criminal investigation as defined by Utah Code 41-6a-2002

(b) To apprehend an individual with an outstanding warrant

(c) To locate a missing or endangered person

(d) To locate a stolen vehicle

An ALPR system may be used to access the Utah Criminal Justice Information System to verify vehicle registration or insurance information, confirm vehicle identification, or identify a stolen vehicle (Utah Code 41-6a-2003).

429.4 DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Park City Police Department and because such data may contain confidential information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law (Utah Code 41-6a-2004).

The Administration Bureau Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

The Administration Bureau Commander or the authorized designee shall take steps to have all ALPR data that is not reasonably related to official law enforcement business purged in an unrecoverable manner as soon as practicable. In no event shall this data be maintained longer than nine months unless it is subject to a warrant, preservation request, or disclosure order (Utah Code 41-6a-2004). Data that will not be purged should be downloaded from the server onto portable media and booked into evidence.

429.4.1 NON-GOVERNMENTAL AGENCY ALPR
ALPR data captured by a non-governmental agency device may only be obtained pursuant to a warrant or a court order (Utah Code 41-6a-2005).

429.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Park City Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data

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relate to a specific criminal investigation or department-related civil or administrative action.

(c) The number of ALPR data searches conducted by members as well as the crime type and incident numbers associated with each search shall be recorded and preserved for at least five years (Utah Code 41-6a-2005).

(d) ALPR system audits should be conducted on a regular basis.

429.6 POLICY

The policy of the Park City Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

429.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Administration Bureau Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

429.8 PUBLIC ACCESS

This policy and any special use permits obtained for stationary ALPRs shall be published on the City website or on the Utah Public Notice Website if the Department does not have access to a City website (Utah Code 41-6a-2003; Utah Code 72-1-212).

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Suspicious Activity Reporting

430.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

430.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

430.2 POLICY

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

430.3 RESPONSIBILITIES

The Investigation Bureau Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Bureau Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

430.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

430.5 HANDLING INFORMATION

The Records Center will forward copies of SARs, in a timely manner, to the following:

- Investigations Division supervisor
- Crime Analysis Unit
- Other authorized designees

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Crisis Intervention Incidents

431.1 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 in order to effectively and legally interact with the individual.

431.1.1 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.

431.2 POLICY

The Park 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.

431.3 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.

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431.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Bureau Commander to 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.

431.5 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) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the 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.

431.6 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.

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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.

431.7 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.

431.8 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).

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(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) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Bureau Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

431.9 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.

431.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

431.10 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.

431.11 EVALUATION

The Bureau Commander designated to coordinate the crisis intervention strategy for this department 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.

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431.12 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.

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Medical Aid and Response

432.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

432.2 POLICY

It is the policy of the Park City Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

432.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Dispatch Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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432.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

432.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with temporary custody pursuant to a civil commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

432.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

432.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Field Operations Bureau Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

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- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

432.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after the member has received appropriate training (Utah Code 53-2d-806).

432.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Dispatch Center as soon as possible and request response by EMS.

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432.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

432.8.3 AED TRAINING AND MAINTENANCE
The Training Sergeant should ensure appropriate training, that includes training in CPR and AED use, is provided to members authorized to use an AED (Utah Code 53-2d-806).

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

432.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION
Members may administer opioid overdose medication in accordance with protocol specified by the health care provider who prescribed the overdose medication for use by the member. With approval of the on-duty supervisor, members may also provide the opioid overdose medication to a person who is experiencing an opiate-related drug overdose event or to a family member, friend, or other individual who is in a position to assist such individual (Utah Code 26B-4-509).

432.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES
Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the.

Any member who administers an opioid overdose medication should contact the Dispatch Center as soon as possible and request response by EMS.

432.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Sergeant will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

432.9.3 OPIOID OVERDOSE MEDICATION TRAINING
The Training Sergeant should ensure training is provided to members authorized to administer opioid overdose medication. The training should include the written instructions provided by the dispensing health care provider on (Utah Code 26B-4-509):

(a) How to recognize an opiate-related drug overdose event.

(b) How to administer an opiate antagonist.

(c) How to ensure that an individual to whom the medication has been administered receives additional medical care and a medical evaluation, as soon as possible.

(d) The safety, effectiveness, and risks of administering an expired opiate antagonist.

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432.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

432.11 FIRST-AID TRAINING

The Training Sergeant should ensure officers receive periodic first-aid training appropriate for their position.

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Civil Disputes

433.1 PURPOSE AND SCOPE

This policy provides members of the Park City Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Utah law.

433.2 POLICY

The Park City Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity, and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides, and refrain from giving legal or inappropriate advice.

433.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

433.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

433.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

433.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

433.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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433.6.1 LONG-TERM GUEST ISSUES

For disputes related to a long-term guest, as defined by Utah Code 76-6-206.4, who has received notice to vacate a residence by an owner, tenant, or other person with apparent authority to act for the owner or tenant, officers must provide the guest with a reasonable time to collect personal belongings prior to escorting the individual from the residence. A long-term guest should not be escorted from the residence if a separate owner or tenant has granted the guest express permission to remain in the residence and the permission has not been revoked or rendered void (Utah Code 76-6-206.4).

433.6.2 REMOVAL OF TRESPASSER FROM REAL PROPERTY

If a property owner or property owner's authorized agent requests the immediate removal of a trespasser from real property located within the jurisdiction of the Park City Police Department, the department will take reasonable steps to initiate action when appropriate in accordance with Utah Code 78B-6-817. If the trespasser is homeless or will be homeless following the removal, provisions of the Homeless Persons Policy should be followed to the extent practicable.

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First Amendment Assemblies

434.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

434.2 POLICY

The Park 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.

434.3 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 of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors 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.

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434.3.1 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.

434.4 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.

434.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

434.5.1 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.

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- 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).

434.5.2 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.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

434.5.3 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).

434.6 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, the Incident Commander 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.

434.7 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 in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices 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).

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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.

434.8 ARRESTS

The Park 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.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

434.9 MEDIA RELATIONS

The Press 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).

434.10 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.

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434.11 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) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, the Dispatch Center records/tapes

(g) Media accounts (print and broadcast media)

434.11.1 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.

434.12 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.

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Aircraft Accidents

435.1 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.

435.1.1 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.

435.2 POLICY

It is the policy of the Park City Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

435.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

435.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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435.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

435.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

435.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

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(d) Evacuation chutes, ballistic parachute systems and composite materials.

435.8 DOCUMENTATION

All aircraft accidents occurring within the City of Park City shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of PCPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

435.8.1 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

435.8.2 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

435.9 MEDIA RELATIONS

The Press 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.

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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.

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Vehicle Lockout

436.1 PURPOSE AND SCOPE

This policy is intended to provide members of the Park City Police Department with guidance and direction for responding to and assisting motorists with entry into a locked vehicle.

436.2 POLICY

Lock-out Liability Waiver:
This service will be provided contingent upon the staffing and calls for service at the time of the request. The responding officer will provide the registered owner of the vehicle with a "Lockout Release of All Claims" form that must be signed before the officer attempts to unlock the vehicle. The release will explain that damage to the vehicle may occur as a result of the attempt to gain entry. The officer will note the damage on the release if the vehicle was damaged.
Exception: Release is not required in exigent circumstances, such as a child locked in a vehicle, etc.

Vehicle Entry Assistance
Entry into a citizen vehicle should only be attempted by the officer after the release is signed by the registered owner and dispatch has been provided the registered owner's information and vehicle identification. The officer should only attempt entry into the vehicle if it can be done safely and efficiently, without risk of harm to any occupants.

The continued development of locks, anti-theft devices, side airbags, and other technological developments has created a situation where the risk to the safety of police personnel and/or the vehicle occupants, may exceed the ability to provide effective and safe service. In such cases, the registered owner will be informed that attempting entry is unsafe and suggest calling a locksmith or arranging other means to make entry.
Device: Big Easy GLO Easy Wedge Kitor similar tools)

Officers will use department-issued Big Easy GLO easy Wedge lockout kits or equivalent. These kits include a lightweight plastic wedge to gently pry open the car door far enough to insert the inflatable wedge. Squeezing the bulb on the inflatable wedge safely opens the car door wide enough to let the officer insert tools to actuate the lock. Once the lock has been actuated, the officer should remove the tool(s) and deflate the inflatable wedge prior to opening the door.

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School Resource Officers

437.1 PURPOSE AND SCOPE

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

437.2 POLICY

The Park City Police Department is committed to enhancing the safety of students and faculty on campuses located in the department's jurisdiction by forming a partnership with school administrators, faculty members, and students.

437.3 SCHOOL RESOURCE OFFICER PROGRAM

The Chief of Police should appoint SROs to serve in public primary and/or secondary schools upon contract with a Local Education Agency (LEA). The contract shall include all provisions required by Utah Code 53G-8-703.

437.3.1 CONTRACT

See attachment: Amendment to Interlocal Agreement Between Park City School District And Park City Municipal Corporation Regarding School Resource Officers (final).pdf

437.4 SCHOOL RESOURCE OFFICER DUTIES

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

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

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

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

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

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

437.4.1 CHAIN OF COMMAND AND INTERNAL REPORTING

SROs should follow the chain of command and internal reporting requirements established by the Department and the contract between the Park City Police Department and the LEA (Utah Code 53-10-117).

437.4.2 DEPARTMENT POLICY AND PROCEDURES

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

437.5 SCHOOL RESOURCE OFFICER QUALIFICATIONS

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

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

(b) Whether the candidate has specialized training in:

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

437.6 TRAINING

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

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

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Body-Worn Cameras

438.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media (Utah Code 77-7a-102).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to wiretaps or eavesdropping (concealed listening devices). Except to the extent provided in Utah Code 77-7a-104, this policy does not apply to officers engaged in undercover operations or assigned to a narcotics unit or a task force engaged primarily in narcotics investigations.

438.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

438.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

438.3 BWC USE

The following guidelines apply to the use of BWCs:

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(a) Only department-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Chief of Police or the authorized designee.

(b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.

(c) The use of department-issued BWCs shall be strictly limited to department-related activities (Utah Code 77-7a-106).

1. Except in exigent circumstances where it is not practicable to do so, an officer executing a search warrant shall use a BWC if one is available, (Utah Code 77-23-210).

(d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.

(e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

438.3.1 PROHIBITIONS
BWCs should not be used to record:

(a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).

(b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.

(c) Conversations of other members without their knowledge.

(d) When a member is taking an authorized break or otherwise engaged in personal activities.

(e) In a courtroom unless responding to a call for service or emergency situation.

(f) Interactions with undercover officers or confidential informants.

(g) Strip searches.

(h) Inside a hospital, health care facility, human service program, or the clinic of a health care provider except during a law enforcement encounter (Utah Code 77-7a-104).

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

438.4 ACTIVATION OF BWC

Members shall activate their BWC prior to any law enforcement encounter as defined by Utah Code 77-7a-103 (Utah Code 77-7a-104). Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

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Unless otherwise authorized by this policy or approved by a supervisor, BWCs shall remain activated until the law enforcement encounter has concluded (Utah Code 77-7a-104). A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other significant period of inactivity.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations (Utah Code 77-7a-102; Utah Code 77-7a-104).

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

438.4.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated (Utah Code 77-7a-104; Utah Code 77-7a-105).

438.4.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

Members may mute or deactivate their BWC (Utah Code 77-7a-104):

(a) When requested by a sensitive victim of crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity if the member believes that the value of the information outweighs the value of the potential recording.

(b) During a conversation with a victim of a sexual offense or domestic violence as part of an evidence-based lethality assessment if the victim or the member believes that deactivating will encourage complete and accurate information sharing by the victim or is necessary to protect the safety or identity of the victim.

(c) When discussing case tactics or strategy.

(d) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

438.4.2 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a

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replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document (Utah Code 77-7a-104):

(a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.

(b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.

(c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.

(d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

(e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

438.5 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

438.5.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

(a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.

(b) When a member has sustained a serious injury or a line-of-duty death has occurred.

(c) When a firearm discharge or use of force incident has occurred.

(d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

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438.6 BWC MEDIA

All BWC media is the sole property of the Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee (Utah Code 77-7a-107).

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee (Utah Code 77-7a-106).

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

438.6.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

(a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.

(b) Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.

(c) Investigators may review BWC media pertaining to their assigned cases.

(d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.

(e) Supervisors are permitted to access and view BWC media of their subordinates.

1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.

2. Supervisors should conduct documented reviews of their subordinate's BWC media at lease annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.

3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.

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(f) The Training Sergeant is permitted to access and view BWC media for training purposes.

1. The Training Sergeant should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.
2. The Training Sergeant may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Sergeant should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.

(g) The Records Supervisor may access BWC media when necessary to conduct department-related duties.

(h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

438.6.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

(a) A private residence.

(b) A facility that offers health care, mental health or substance abuse treatment, or social services.

(c) A school building.

(d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy (Utah Code 77-7a-107). The Records Supervisor should review BWC media before public release.

438.7 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws.

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

The retention schedule for BWC is as follows:

Unknown	**4 years**

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DUI Felony	**4 years**
Arrest Felony	**4 years**
Crime Scene	**4 years**
Use of Force	**4 years**
Interview Felony	**4 years**
DUI Misd	**2 years**
Arrest Misd	**2 years**
Interview Misd	**2 years**
Accident Injury	**2 years**
Code Run	**180 days**
Traffic Stop	**180 days**
Accident Non Injury	**180 days**
Contact	**180 days**
Service Call	**90 days**
Junk	**30 days**

438.7.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property and Evidence Policy).

438.8 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

(a) Proper use of the BWC device and accessories.

(b) When BWC activation is required, permitted, and prohibited.

(c) How to respond to an individual's request to stop recording.

(d) Proper use of the BWC media systems, including uploading and tagging procedures.

(e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

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Chapter 5 - Traffic Operations

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Traffic

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 DEPLOYMENT

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

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

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

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic collisions, and also will consider the hours and locations where traffic collisions tend to occur. Members will take directed enforcement action on request and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic collisions frequently occur.

500.3 ENFORCEMENT

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

500.3.1 WARNINGS

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

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500.3.2 CITATIONS

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

(a) An explanation of the violation or charge.

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

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

500.3.3 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:

(a) Vehicular manslaughter.

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

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

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

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 or by maneuvering or operating vehicles, machinery, and equipment (23 CFR 655.601).

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 when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic or will be maneuvering or operating vehicles, machinery, and equipment.

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

When emergency conditions preclude the immediate donning of the vest, members 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.

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500.5.2 CARE AND STORAGE

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

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

500.6 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE

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

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

(b) Vehicle license plate number and state.

(c) Vehicle description.

(d) Description of the vehicle operator.

(e) Description of the incident.

(f) Contact information of the school crossing guard.

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

Reports should be submitted to the Park City Police Department 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 Sergeant’s responsibility to establish a system in which notification letters are sent to the last known registered owner of the vehicle that was reported speeding. The letter should contain the following (Utah Code 41-6a-604.5(1)(a)):

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

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

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

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

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500.7 RADAR/LIDAR OPERATION AND MAINTENANCE

Department members are responsible for keeping their own Radar/Lidar training and certification up to date. All Radars/Lidars will be maintained, calibrated, and operated in accordance with those procedures set out in training and certification as well as the manufacturer's manuals kept on file by the Department.

500.8 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.

500.9 TRAFFIC CHECKPOINTS

The Chief of Police or designee may authorize the use of administrative checkpoints such as sobriety and traffic safety checkpoints. Prior to the implementation of any such checkpoint, the Chief of Police or designee shall comply with every requirement outlined in Utah Code 77-23-104, including the preparation and authorization of a written checkpoint plan which is submitted to a magistrate for approval.

500.10 POLICY

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

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Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Park 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 RESPONSIBILITY

The Traffic Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of the Department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Field Operations Bureau Commander or other persons as required.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Bureau Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.4.2 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 Park City Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Shift Sergeant may request an outside law enforcement agency for assistance.

The term serious injury is defined as any injury that may result in a fatality.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The on-duty Shift Sergeant shall request assistance from the Utah Highway Patrol or the Summit County Sheriff's Office for the investigation of any traffic collision involving any City official or employee in any of the following circumstances:

(a) Whenever the collision involves an occupied vehicle;

(b) Whenever the collision results in damages to property estimated equal to or in excess of $2,500.00 commensurate with Utah Code Annotated 41-6a-401 as amended; or

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(c) Whenever the collision results in personal injury.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with Utah Code 41-6a-402, traffic collision reports shall be taken for traffic collisions occurring on private property 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.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of the Department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision.

(b) When there is an identifiable violation of Utah Code.

(c) When a report is requested by any involved driver.

(d) When there is apparent damage of $2,500 or more.

501.4.6 TRAFFIC COLLISIONS INVOLVING LIVESTOCK

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

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

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

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

501.4.7 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.

501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a traffic collision that results in serious injury or death, the Shift Sergeant shall notify the Operations Captain and the Chief to relate the circumstances of the traffic collision and seek assistance.

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Police Motorcycle Units

502.1 PURPOSE AND SCOPE

This policy recognizes that motorized officers can have a greater impact on traffic enforcement than standard patrol vehicles. It also recognizes that there are inherent safety factors that can make the use of a police motorcycle more dangerous while enforcing traffic laws than those safety concerns that are normally associated with traffic enforcement in a marked patrol vehicle. This policy will cover those areas of police motorcycle operations that are not covered in other areas of policy.

502.1.1 PHILOSOPHY

It is the intention of the Park City Police Department that motorcycle officers actively enforce the Traffic Code, Municipal Code, and other sections applicable to vehicular travel. The Park City Police Department also recognizes that motor officers are resources available to respond for details in certain circumstances. The intention of the Park City Police Department is for motor officers to increase the safety of the motoring public by maintaining a highly visible patrol pattern to deter traffic offenders.

502.2 POLICY

It is the policy of this department that motor officers shall use their police motorcycle and their on-duty time in the enforcement of traffic violations and investigation of traffic collisions. Other duties include, but are not limited to, roadway hazards, traffic control, and other traffic-related duties.

502.2.1 EMERGENCY SITUATIONS

During general police activities, situations arise where there is an immediate need to assist other police units. As such, motor officers shall respond to emergency calls for assistance, and as secondary units when required. Motor officers shall assist other police officers as necessary for officer safety.

502.2.2 MOTOR OFFICER RESPONSE TO CALLS FOR SERVICE

A Motor Officer is part of the Traffic Division, and whose primary duty is traffic enforcement. Primary responsibility for Traffic Officers is addressing traffic-related problems and calls for service (school zones, traffic accidents, parking problems, and hit and run calls for service).

502.3 TRAINING

Any officer selected for a motor officer position shall complete a POST-approved motorcycle training course and any other pre-training as required by the department, before operating a police motorcycle in an enforcement position. Motor Officers are also required to complete department-approved continuing training in police motorcycle operations to maintain skill proficiency. Department personnel who have not completed department-approved training shall not operate a police motorcycle.

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502.4 MOTORCYCLE OPERATION

This section will detail those requirements an Officer must perform on a daily basis when that Officer is assigned to Motorcycle Enforcement Duties. This shall include Emergency Response/ Code-3 Guidelines and Pursuits.

502.5 PURSUITS

Pursuant to Department Policy 314.3.1, motor officers should be replaced as a primary and/or secondary as soon as practicable.

In the event that a motor officer becomes involved in either an emergency response or a pursuit, that unit SHALL be operated with emergency lights and siren activated. Immediate back-up by a marked patrol unit will be requested. When a marked patrol unit joins the pursuit, the motor officer SHALL relinquish the pursuit to the marked patrol unit. The motor officer may trail the pursuit to its termination point without emergency lights or siren while obeying all traffic laws.

502.6 OFF-DUTY RIDING

On days off or off-duty time, police motorcycles may be ridden to a garage to be serviced or repaired.

Requests from Officers to ride their police motorcycles off-duty with the intent to train will be decided on by the Traffic Division Sergeant.

502.7 ACTIVE DUTY

For the purpose of this section, “active duty” shall mean an assigned shift on either a regular or overtime work day. The following are exceptions to this section:

(a) Court appearances

(b) Court appearances where the subpoena arises out of the fulfillment of police-related duty or task

(c) Natural disaster

(d) When involved in disaster or emergency use

(e) Maintenance and service

(f) Department-approved training

502.8 POLICE MOTORCYCLE CARE AND MAINTENANCE

Department-owned police motorcycles are assigned to the traffic division. Police motorcycles will not be operated by personnel who have not completed Department approved training. Police officers, who have been selected as motor officers and are involved in Department approved training, may operate police motorcycles as directed by their traffic sergeant.

Police motorcycles will primarily be assigned to an individual traffic officer; however, police motorcycles are subject to be used by any and all motor certified officers with the approval of the traffic sergeant.

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Motor officers shall be responsible for the care and maintenance and general upkeep of their assigned motorcycle; or whichever motorcycle they used during a specific shift to include general maintenance and thorough cleaning of the motorcycle.

502.9 MOTOR OFFICER UNIFORM

When operating a police motorcycle on duty, motor officers shall adhere to Park City Police Department uniform policy 1046. Specific uniform items may be excluded during specific weather or emergency situations that make that uniform item inappropriate. Refer to Policy Manual § 1046 for Motor Officer uniform requirements.

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Vehicle Towing

503.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing.

503.2 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

503.3 VEHICLE INVENTORY

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

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including but not limited to any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.

(c) Any locked compartments including but not limited to locked glove compartments, locked vehicle trunks, locked hatchbacks, and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables, or hazardous materials.

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

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

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

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

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

503.4 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

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

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

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

503.5 STORAGE OF VEHICLES

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

503.6 POLICY

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

503.7 REMOVAL OF VEHICLES DUE TO HAZARD

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

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

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

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

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

503.8 ARREST SCENES

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

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

The following are examples of situations where a vehicle should not be towed:

(a) The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.

(b) The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.

(c) The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.

(d) The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

503.8.1 IMPOUND FOR LACK OF PROOF OF SECURITY
If the operator of a vehicle involved in a collision cannot provide proof of security as required by Utah Code 41-12a-301, the vehicle shall be impounded after the officer confirms that the security is not in effect through a query of the Uninsured Motorist Identification Database (Utah Code 41-1a-1101).

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503.8.2 IMPOUND FOR ROAD RAGE EVENT

When an officer has probable cause to believe the operator of a vehicle has engaged in a road rage event and the operator has been arrested in conjunction with that event, the officer shall impound the vehicle unless the registered owner is someone other than the operator and is present to take possession of the vehicle (Utah Code 41-1a-1101).

503.9 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

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

503.10 RECORDS

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

503.10.1 VEHICLE IMPOUND REPORT

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

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

503.10.2 INFORMATION TO TOW TRUCK DRIVER

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

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Impaired Driving

504.1 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).

504.2 POLICY

The Park 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.

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

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

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

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

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

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

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

504.4 FIELD TESTS

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

504.4.1 ORAL FLUID AND PORTABLE BREATH TESTING

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

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504.5 CHEMICAL TESTS

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

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

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

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

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.

504.5.1 BREATH SAMPLES

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

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

504.5.2 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.

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.

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504.5.3 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.

504.5.4 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.

504.6 REFUSALS

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

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

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

(c) Document the refusal in the appropriate report.

504.6.1 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).

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

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

(a) A search warrant has been obtained.

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

504.6.3 FORCED BLOOD SAMPLE

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

The responding supervisor should:

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

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

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another 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.

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

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

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

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

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

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

504.7 REPORTING

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

504.7.1 CRASH AND ARREST DATA

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

504.8 RECORDS 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.

504.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DLD.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

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An officer called to testify at an administrative hearing should document the hearing date and DLD file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.10 TRAINING

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

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

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Traffic Citations

505.1 PURPOSE AND SCOPE

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

505.2 RESPONSIBILITIES

The Traffic Sergeant along with the IT/Spillman liaison shall be responsible for the functionality of traffic citations in compliance with state law and the Judicial Council.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of the Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Utah Code 77-7-26). Any request from a recipient to dismiss a citation shall be referred to the Traffic Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Sergeant may request the Field Operations Bureau Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

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

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Operations Captain. The Operations Captain shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of the Department shall be forwarded to the employee’s immediate supervisor for review. The citation copies shall then be filed with the Records Center.

Upon separation from employment with the department, all employees issued traffic citations books shall return any unused citations to the Records Center.

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505.7 PARKING VIOLATION APPEAL PROCEDURE

Disposition of parking violation appeals is conducted by the Parking Enforcement Hearing Officer at Public Works.

505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

506.1 PURPOSE AND SCOPE

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

506.2 OFFICER RESPONSIBILITY

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

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

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF MOTORIST

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

506.4 PUBLIC ACCESS TO THIS POLICY

This policy is available upon request.

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Abandoned Vehicles

507.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of abandoned vehicles that are left unattended on a highway for a period in excess of 48 hours or on public or private property for a period in excess of seven days under the authority of Utah Code 41-6a-1408.

507.2 REMOVAL OF VEHICLES

Vehicles in violation of Utah Code 41-6a-1408 and by order of an officer of the Department shall be removed, at the owner’s expense, by a tow truck motor carrier that meets the standards as described in Utah Code 72-9-601 et seq.

507.2.1 RECORDING OF VEHICLES IMPOUNDED

A Vehicle Impound Report Form shall be completed and sent to the Motor Vehicle Division before noon of the next business day after the date of the removal. A copy of this form shall also be forwarded to the Records Center. In accordance with Utah Code 41-6a-1406, the form shall include:

- The operator's name, if known.
- A description of the vehicle.
- The vehicle identification number.
- The license number, or other identification number issued by a state agency.
- The date, time, and place of impoundment.
- The reason for removal or impoundment.
- The name of the tow truck motor carrier who removed the vehicle.
- The location where the vehicle is stored.

507.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored at a state impound yard by the authorized tow truck motor carrier and a Vehicle Impound Report Form shall be completed by the officer authorizing the storage of the vehicle and the tow truck motor carrier (Utah Code 41-6a-1406).

507.2.3 CITY IMPOUNDS

Vehicles parked on City streets may be impounded for violation of the Park City Municipal Code enforcing parking, snow removal, or to facilitate needed city services. Abandoned vehicles on public property or on city streets may be towed for purposes of snow removal, street maintenance, parking enforcement, special events, or as causing a hazard. Officers should first make a reasonable effort to locate the owner of a vehicle in order to have the vehicle moved, and use towing as a last resort.

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Abandoned Vehicles

Vehicles that have been abandoned due to having been parked in excess of time limits shall first be identified with the appropriate notice of abandonment and removed only after the expiration of the time indicated on the notice. Vehicles towed for parking violations should also be issued a parking citation.

Abandoned vehicles on private property may be towed at the property owner's descretion and expense. The authority to remove vehicles from private property for abandonment when City ordinances are violated should be referred to the City's Code Enforcement Department and may only be towed after notice of abandonment for a period of 30 days.

Towed vehicles shall have an impound report completed, an inventory of the vehicle conducted prior to impoundment, and are to be taken to an authorized state impound lot for storage.

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Traffic Collisions

508.1 PURPOSE AND SCOPE

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

508.2 POLICY

It is the policy of the Park City Police Department to respond to traffic collisions and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision and through enforcing applicable laws. Unless restricted by law, traffic collision reports will be made available to the public upon request.

508.3 RESPONSE

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

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

(a) Is within the jurisdiction of this department and there is:
    1. A life-threatening injury.
    2. A fatality.
    3. A City vehicle involved.
    4. A City official or employee involved.
    5. Involvement of an on- or off-duty member of this department.

(b) Is within another jurisdiction and there is:
    1. A City of Park City vehicle involved.
    2. A City of Park City official involved.
    3. Involvement of an on-duty member of this department.

508.3.1 MEMBER RESPONSIBILITIES

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

(a) Traffic direction and control.

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

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

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

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

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

(f) Clearance and cleanup of the roadway.

508.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Shift Sergeant. The Shift Sergeant or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Sergeant will ensure notification is made to the Traffic Sergeant, department command staff, and City Manager in accordance with the Major Incident Notification Policy.

508.4.1 NOTIFICATION OF FAMILY

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

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

508.5 MINIMUM REPORTING REQUIREMENTS

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

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

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

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

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

(e) There is damage to public property.

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

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

(h) Directed by a supervisor.

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

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

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508.5.1 PRIVATE PROPERTY

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

508.5.2 CITY VEHICLE INVOLVED

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

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

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

508.5.3 INJURED ANIMALS

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

508.5.4 TRAFFIC COLLISIONS INVOLVING LIVESTOCK

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

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

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

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

508.6 INVESTIGATION

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

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

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

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

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

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508.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

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

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

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

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

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

508.7 ENFORCEMENT ACTION

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

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

508.7.1 TRAFFIC COLLISIONS INVOLVING SERIOUS INJURY OR DEATH

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

When there is probable cause to believe that a driver involved in a collision is impaired, the investigating officer should direct an individual to submit to a chemical test in accordance with the Impaired Driving Policy or seek a search warrant. If the collision resulted in a fatality and the officer believes there is insufficient probable cause to justify a search warrant, the officer shall discuss the situation with a supervisor to confirm that no impairment is suspected and probable cause for a chemical test does not exist (Utah Code 41-6a-520).

508.8 REPORTS

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

508.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

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508.9 REVIEW OF VEHICLE-INVOLVED COLLISIONS

Refer to Lexipol Policy 501: Traffic Collision Reporting

508.10 TRAFFIC DIVISION SERGEANT RESPONSIBILITIES

The responsibilities of the Traffic Sergeant include but are not limited to:

(a) Ensuring the monthly and quarterly reports on traffic collision information and statistics are forwarded to the Field Operations Captain or other persons as required.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

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

600.2 POLICY

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

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.3.1 AUDIO/VIDEO RECORDINGS

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

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

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

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

600.4 DISCONTINUATION OF INVESTIGATIONS

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

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

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

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1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

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

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

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

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

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

600.5 COMPUTERS AND DIGITAL EVIDENCE

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

600.6 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

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600.6.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias, or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.6.2 INTERCEPTING ELECTRONIC COMMUNICATION

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

600.7 MODIFICATION OF CHARGES FILED

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

600.8 IDENTITY THEFT

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

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

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

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

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

600.9 ELECTRONIC EVIDENCE AND NONPUBLIC VICTIM OR WITNESS DATA

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

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

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

600.9.1 INVESTIGATIONS DIVISION SUPERVISOR RESPONSIBILITIES

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

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

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

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

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

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

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

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

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

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600.10 TRAINING

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

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Death Investigations

601.1 PURPOSE AND SCOPE

Park City Police Department will respond to and make an initial investigation and report of the death of any individual that occurs in Park City. An initial report and investigation may also be required for deaths occurring while enroute to or at a hospital outside of Park City if the incident, accident or circumstances contributing to the death occurred in Park City.

An officer or detective of the Department will be named by the Utah Medical Examiner as a medical examiner to investigate deaths as outlined in state code. This representative will be called in the event of any death. In the event the representative is not available, an alternate from the Summit County Sheriff's Office will be called to investigate.

601.2 INVESTIGATION PROTOCOLS

Upon notification of a death, the Medical Examiner Investigator and the Investigation Division or on-call detective will be notified. Each will determine if they need to respond to the scene. If the Medical Examiner Investigator responds to take over investigation of the scene, the initial officer will remain on scene to assist in the investigation.

Notification of next of kin shall be coordinated with the Medical Examiner Investigator. The name of deceased persons shall not be released to the media until notifications to next of kin and Command personnel are made. A press report of the incident shall be prepared by the duty sergeant.

According to State Medical Examiner Act, the following circumstances will require a report be made to the State Office of the Medical Examiner:

(a) Deaths by violence, gunshot, suicide or accident, except highway accidents, custody shall only be assumed if an autopsy is required or permitted under the provisions of Section 26-4-13, or if requested by the law enforcement agency with jurisdiction over the highway accident.

(b) Sudden death while in apparent health

(c) Unattended deaths (not seen by physician in official capacity for 365 days)

(d) Deaths under suspicious circumstances

(e) Deaths resulting from diseases that may constitute a threat to the public health

(f) Deaths resulting from poisoning or overdose of drugs

(g) Deaths resulting from disease, injury, toxic effect or unusual exertion incurred within the scope of the deceased's employment

(h) Deaths due to sudden infant death syndrome

(i) Deaths resulting while the deceased was in prison, jail, police custody, in the state hospital or in a detention or medical facility operated for the treatment of the mentally ill or emotionally disturbed or delinquent persons

(j) Deaths associated with diagnostic and therapeutic procedures, or

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(k) Deaths described in this section when request is made to assume custody by a county or district attorney or law enforcement agency in connection with a potential homicide investigation or prosecution.

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Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

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

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

602.1.1 DEFINITIONS

Definitions related to this policy include:

Restricted sexual assault kit - A sexual assault kit collected from a victim who is at least 18 years old and at the time of collection declines to have the kit processed or to have the examination form shared with any entity outside of the collection facility (Utah Code 53-10-902).

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Utah Code, Title 76, Chapter 5, Part 4 (Sexual Offenses).

Sexual assault kit - A package of items that is used by medical personnel to gather and preserve biological and physical evidence following an allegation of a sexual offense (Utah Code 53-10-902).

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Park City Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

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(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

602.7 VICTIM INTERVIEWS

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

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

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

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

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

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

602.7.1 MEMBER RESPONSIBILITIES

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

602.7.2 NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION

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

602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to the requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

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602.8.1 DNA TEST RESULTS

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

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

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

602.8.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to:

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

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

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

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

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

    1. If available, a suspect standard or a consensual partner elimination standard shall be submitted with the sexual assault kit.

    2. If not obtained until later, the standards shall be submitted as soon as possible but no later than 30 days after the Department obtained possession of the kit.

    3. If the victim informs the Park City Police Department that the victim wants to have the kit processed and agrees to release of the sexual assault examination form with the kit, the kit may no longer be classified as restricted and shall be submitted to the Utah Bureau of Forensic Services as soon as possible, but no later than 30 days after the victim chooses to unrestrict the kit (Utah Code 53-10-904).

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

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602.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.10 CASE REVIEW

The Investigations Division supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

602.11 PUBLIC ACCESS

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

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Fire and Arson Investigations

603.1 PURPOSE AND SCOPE

An officer will be dispatched to all fire investigations that Park City Fire is dispatched to as an assisting agency. An initial report shall be completed for all actual fires, and the Investigations Department or on-call detective will be notified on any suspicious fire.

Notification on all fires shall be made to the City's Chief Building Inspector, and a Fire Marshall from either the Park City Fire Department, the Park City Police Department or the City shall investigate the cause of the fire.

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Asset Forfeiture

604.1 PURPOSE AND SCOPE

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

604.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

604.2 POLICY

The Park 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 Park 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.

604.3 ASSET SEIZURE

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

604.3.1 PROPERTY AND CONTRABAND SUBJECT TO SEIZURE

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

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

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

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

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

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.

604.3.2 PROPERTY NOT SUBJECT TO SEIZURE

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

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

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

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

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

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

(e) Firearms belonging to an individual charged with possessing a firearm in a secure area of an airport if the individual may otherwise lawfully possess the firearm (Utah Code 24-4-102).

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604.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE

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

(a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The 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.

604.5 MAINTAINING SEIZED PROPERTY

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

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

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

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

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

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

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

604.5.1 IDENTIFICATION AND TRACKING OF SEIZED PROPERTY

The Evidence Room supervisor shall identify and track all seized property in the same manner as booked evidence (see the Property and Evidence Policy).

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604.6 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 77-11b-105).

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.

(d) Deciding whether the forfeiture is more appropriately made under state or federal forfeiture laws (Utah Code 77-11a-205). The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) 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:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
5. Any other information that may be needed to comply with Utah Code 77-11a-203.

(g) Ensuring that those who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.

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2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner (Utah Code 77-11b-201).
3. The notice of intent to seek forfeiture has been given in a timely manner to those who hold an interest in the seized property (Utah Code 77-11b-201).
    (a) Prior to serving the notice, a search of public records shall be completed to identify the name and address of each interest holder of the property (Utah Code 77-11b-201).
4. Property is promptly released to those entitled to its return (Utah Code 77-11a-301; Utah Code 77-11a-304; Utah Code 77-11b-203).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is delivered to the Evidence Room supervisor to be deposited.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. A copy of the property receipt is kept in the case file and, if the property is transferred to another agency, a copy of the receipt is provided along with the property (Utah Code 77-11a-203).
10. Any records of a related interview of a child are retained pursuant to Utah Code 53-13-110.5.
11. The request for a forfeiture action has been presented to the forfeiture attorney as provided in Utah Code 77-11b-201.

(i) Ensuring that the Department disposes of property as provided by law following any forfeiture (Utah Code 77-11b-401).

(j) Ensuring this policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

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 77-11b-404).

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.

604.7 DISPOSITION OF FORFEITED PROPERTY

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

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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 77-11a-205). Such property may be used to fund crime prevention and law enforcement activities described in Utah Code 77-11b-403(10). State law prohibits the use of property or money received to be used for such things as salaries, benefits, any expenses not related to law enforcement, and other purposes specified in Utah Code 77-11b-403(11).

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

604.8 LIMITATION ON FEES FOR HOLDING SEIZED PROPERTY

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

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Informants

605.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

605.1.1 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 Park City Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Park City Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

605.2 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigations Section. The Investigations Section supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Bureau Commander, Investigations Section supervisor or their authorized designees.

The Investigation Bureau Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Investigations Section supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

605.2.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

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(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification

(j) Name of officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

605.3 USE OF INFORMANTS

605.3.1 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:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

(d) The Chief of Police or the authorized designee

605.3.2 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.

605.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

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605.4 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

The Investigations Section supervisor will discuss the above factors with the Field Operations Bureau Commander and recommend the type and level of payment subject to approval by the Chief of Police.

605.4.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Investigations Section buy/expense fund.

1. The Investigations Section supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) Park City Police Department case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.

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2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

605.4.2 REPORTING OF PAYMENTS

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

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

605.4.3 AUDIT OF PAYMENTS

The Investigations Section supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the 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.

605.5 POLICY

The Park 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.

605.6 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Bureau Commander, Investigations Section supervisor or their authorized designees.
    1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
(b) Criminal activity by informants shall not be condoned.
(c) Informants shall be told they are not acting as police officers, employees or agents of the Park City Police Department, and that they shall not represent themselves as such.

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(d) The relationship between department members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigations Section supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Investigations Section supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.

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

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) 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.

605.6.1 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:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

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(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

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Eyewitness Identification

606.1 PURPOSE AND SCOPE

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

606.1.1 DEFINITIONS

Definitions related to the policy include:

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

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

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

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

606.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

606.3 INTERPRETIVE SERVICES

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

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

606.4 EYEWITNESS IDENTIFICATION FORM

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

The process and any related forms or reports should provide:

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

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

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

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

(e) An admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.

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

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

606.5 EYEWITNESS IDENTIFICATION

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

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

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

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

606.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

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A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

606.5.2 FIELD IDENTIFICATION CONSIDERATIONS

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

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

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

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

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

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

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

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

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In

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such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

606.6 DOCUMENTATION

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

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

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Brady Material Disclosure

607.1 PURPOSE AND SCOPE

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

607.1.1 DEFINITIONS

Definitions related to this policy include:

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

607.2 POLICY

The Park 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 Park 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.

607.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

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

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

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

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

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607.4 DISCLOSURE OF PERSONNEL INFORMATION

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

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

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

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

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

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

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

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

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

607.5 INVESTIGATING BRADY ISSUES

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

607.5.1 GROUNDS FOR DISCIPLINARY ACTION

Placement on a prosecuting agency's *Brady* identification system shall not be the sole reason for disciplinary action to be taken against an officer. However, the underlying facts that were the basis for placement, or the failure to disclose such placement to another prosecuting agency

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when required by law, may lead to disciplinary action against the officer in accordance with the Personnel Complaints Policy (Utah Code 53-25-1003).

607.6 TRAINING

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

607.7 SUBPOENA PROCESSING

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

607.7.1 DISCLOSURE TO PROSECUTING AGENCY

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

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Pawn Shop Holds

608.1 PURPOSE AND SCOPE

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

608.2 POLICY

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

608.3 PROCEDURE

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

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

(a) When seizure is necessary to permit the fingerprinting or chemical testing of the item.

(b) If the item contains unique or sensitive personal identifying information.

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

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

If the pawnbroker or secondhand business is located outside of the jurisdiction of this department, a copy of the hold notice shall be sent to the local law enforcement agency having jurisdiction (Utah Code 13-32a-109). An extension of the hold must be communicated in writing to the pawnbroker or secondhand business prior to the expiration of the initial 90-day hold (Utah Code 13-32a-109).

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

- The name, address, and telephone number of the pawnbroker or secondhand business that reported the acquisition of the property or where the property is located.

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- The length of any holding period.

608.4 TERMINATION OF HOLD

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

(a) Notify the pawnbroker or secondhand business in writing that the hold or seizure has been terminated.

(b) Return the item to the pawnbroker or secondhand business, or advise the pawnbroker or secondhand business, either in writing or electronically, of the specific alternative disposition of the item.

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

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

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Unmanned Aerial System

609.1 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.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial 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 aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

609.2 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.

609.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers 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.

609.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Facilitating law enforcement access to images and data captured by its UAS.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Ensuring that data collected on a person, object, structure, or area that is not a target, as defined by Utah Code 72-10-801, is not used, copied, or disclosed except as allowed by law (Utah Code 72-10-803).
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

609.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

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Members shall not obtain, receive, or use data acquired through an UAS unless the data is obtained (Utah Code 72-10-802):

(a) Pursuant to a search warrant or valid warrant exception.

(b) From a private citizen, subject to the conditions below.

(c) To locate a lost or missing person in an area where no person would have a reasonable expectation of privacy.

(d) In a manner that does not violate a reasonable expectation of privacy.

609.5.1 DATA COLLECTED BY PRIVATE CITIZEN

The Park City Police Department may not accept or review data captured by a privately-owned UAS unless one of the following conditions exists (Utah Code 72-10-802):

(a) The data appears to pertain to the commission of a crime.

(b) The receiving member believes, in good faith, that the data pertains to an imminent or ongoing emergency involving 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.

609.5.2 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 Park City Police Department, or when the Department obtains or receives data pursuant to Utah Code 72-10-802 (Utah Code 72-10-804):

(a) The presence and use of the UAS

(b) Any data acquired

(c) If applicable, the private citizen from whom the data was received

609.5.3 TEMPORARY FLIGHT RESTRICTION DUE TO WILDLAND FIRES

A department UAS shall not be used in an area under a temporary flight restriction as a result of a wildland fire without the permission of, and in accordance with the restrictions established by, the official in command of the fire response (Utah Code 65A-3-2.5).

609.6 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.

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The UAS shall not be weaponized (Utah Code 72-10-902)

Prohibition on the purchase of unmanned aircraft manufactured or assembled by a covered foreign entity.

(1) Except as provided in Subsection (2), a public entity or contractor working directly for a public entity may not purchase or operate an unmanned aircraft system for the inspection of critical infrastructure if the unmanned aircraft system was manufactured or assembled by a covered foreign entity.

(2) Regardless of the country of origin of manufacture or assembly of an unmanned aircraft system, a public entity or contractor working directly for a public entity may operate an unmanned aircraft system for the inspection of critical infrastructure if the public entity ensures that

(a) the unmanned aircraft system is not connected to the Internet during the inspection operation;
(b) after the inspection operation is complete, any data collected from the inspection, including any images, video, data, geospatial data, or flight logs, are removed before the unmanned aircraft system is connected to the Internet; and
(c) if the inspection operation requires the broadcast of video from the unmanned aircraft system through an Internet connection, the relevant software for the unmanned aircraft system is developed in the United States or approved under the National Defense Authorization Act enacted for the most recent fiscal year.

609.7 RETENTION OF UAS DATA

The Records Center 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 72-10-802; Utah Code 72-10-803).

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Operations Planning and Deconfliction

610.1 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.

610.1.1 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 confliction of operations.

Reportable incident - When law enforcement officers use forcible entry to serve a search warrant, or when a special unit that is specifically trained and equipped to respond to critical, high-risk situations within either the Department or an assisting department is deployed (Utah Code 77-7-8.5).

610.2 POLICY

It is the policy of the Park 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 PCPD 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.

610.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director 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 director will review risk assessment forms with operations supervisors to determine whether a particular incident qualifies as high risk, and will also have the responsibility of directing high-risk operations.

610.3.1 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.

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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.

610.4 RISK ASSESSMENT

610.4.1 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:

(a) Photographs, including aerial photographs, if available, of the target location, neighboring yards and obstacles.

(b) Geographical maps of the target location.

(c) Diagrams of any property and the interiors of buildings that are involved.

(d) The target person (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) 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).

(f) 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).

(g) 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).

610.4.2 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 operations director.

The supervisor and the operations director 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.

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610.4.3 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:

(a) Determine what resources will be needed at the location or placed on standby, such as:
    1. SWAT
    2. Extra personnel
    3. Outside agency assistance
    4. Special equipment
    5. Medical personnel
    6. Persons trained in negotiation
    7. Additional surveillance or information
    8. Canines
(b) Contact the appropriate department members, or other agencies as warranted, to begin preparation.
(c) Direct, or delegate the direction of, the actual operation.
(d) Ensure that all legal documents, such as search warrants, are complete, with any modifications that may be necessary to support the operation.

610.4.4 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) 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).
(b) A search warrant for records and no actual search by officers is required.
(c) 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.

610.5 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

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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.

610.6 OPERATION PLAN

The operations director or the authorized designee shall supervise operations that are categorized as high-risk. The director should ensure that a written plan is developed. The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Information from the risk assessment form, by attaching a completed copy in the operation plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(c) Participants and their roles:

1. An adequate number of uniformed officers are included in the operation team to ensure the operation is recognized as a legitimate law enforcement operation.
2. How all participants will be identified as law enforcement.

(d) Whether deconfliction submissions are current and that all target individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(e) Identification of communications channels and call-signs.

(f) Use of force issues.

(g) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(h) Plans for detaining people who are not under arrest.

(i) 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.

(j) Documentation of actions and responsibilities for collection, review and approval of reports.

610.6.1 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.

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610.7 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.

(a) The briefing should include a verbal review of the plan's elements, using visual aids, to enhance the participants' understanding of the plan.

(b) 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.

(c) The operations director or supervisor at the briefing shall ensure that all participants are visually identifiable as law enforcement officers.

1. 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.

(d) The briefing should include details of the communications plan.

1. 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.

2. 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 minimally should receive a copy of the operation plan.

3. 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.

610.8 SWAT PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the SWAT 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.

610.9 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.

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610.10 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.

610.11 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

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Warrant Service

611.1 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.

611.1.1 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).

611.2 POLICY

It is the policy of the Park 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.

611.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

611.3.1 REPORTING REQUIREMENTS

The operations director 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.

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611.3.2 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).

611.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, 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).

611.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis or require forcible entry onto the property or building where the person to be arrested is located, 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 (Utah Code 77-7-8; Utah Code 77-7-8.1) (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.

611.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

    1. No-knock warrant applications shall be consistent with the requirements of state law (Utah Code 77-7-8.1).

(b) A clear explanation of the affiant's training, experience, and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

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(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

611.7 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:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

1. 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).

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

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(j) 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; Utah Code 77-7-8; Utah Code 77-7-8.1).

611.8 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 movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, 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 people who have been detained.

611.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

611.9.1 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).

611.10 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 Park City Police Department are utilized

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appropriately. Any concerns regarding the requested use of Park 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 Shift Sergeant should assume this role.

If officers intend to serve a warrant outside Park 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 Park City Police Department when assisting outside agencies or serving a warrant outside the Park City Police Department jurisdiction.

611.11 TRAINING

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service, and reporting requirements.

611.12 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.

611.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained in accordance with Utah Code 77-7-8.1 or Utah Code 77-23-210 or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

611.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

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Investigative Genetic Genealogy

612.1 PURPOSE AND SCOPE

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

612.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

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

612.2 POLICY

The Park City Police Department's use of IGG will be in coordination with prosecutors, the Medical Examiner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the

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integrity of the IGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

612.3 CRITERIA FOR IGG USE

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

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

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

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

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

612.4 COORDINATION

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

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

612.4.1 CONSULTATION WITH PROSECUTOR AND BUREAU OF FORENSIC SERVICE

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

612.5 SUBMISSION OF SAMPLE

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

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

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

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

612.5.1 ADDITIONAL REQUIREMENTS FOR SUBMISSION

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

612.6 ANALYSIS OF IGG DATA

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

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

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

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

(c) Identify human remains.

612.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

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

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

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

612.8 POST-IDENTIFICATION

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

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

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

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

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

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

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

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

612.9 PRIVACY CONSIDERATIONS

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

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

612.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

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

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

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another, or department-owned property is damaged or lost.

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.

(a) 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.

(b) 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.

(c) 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.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made in a memorandum submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Section Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by Staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment) that are not reasonably required as a part of work.

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700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

Members who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any law enforcement function shall promptly report the damage through the member's chain of command.

700.4.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY
Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Park City or of another person while performing their duties within the jurisdiction of this department. The department member present or the member responsible for the property is responsible to report the damage as follows:

(a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

700.5 POLICY

The Park City Police Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The Department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

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Assigned Lockers, Desks, and Cabinets

701.1 PURPOSE AND SCOPE

This policy is estblaished to provide direction and guidance on the proper use and privacy issues surrounding department assigned lockers, desks, credenzas, and filing cabinets.

701.1.1 POLICY

It shall be the policy of the Park City Police Department, to ensure safety, security, order and discipline within the department's employee lockers, desks, credenzas and filing cabinets.

Lockers, desks, credenzas and filing cabinets shall be assigned by Department Administration. For any cabinet, locker, desk drawer or credenza that is issued with a lock or key, a duplicate key for each lock will be retained by the Office of the Chief of Police.

In the assignment of department lockers, cabinets, desks and credenzas the employee should understand that:

(a) Employees may not switch or change lockers or cabinets with another employee without prior approval of the Chief of Police or his designee.

(b) Assigned areas, whether locked or unlocked, may be inspected by the Chief of Police or his designee for good and reasonable cause to ensure safety, security, order and discipline within the department.

(c) Lockers and cabinets must be kept clean and presentable and are for official use only.

(d) A personal lock is not permitted. Duplication of locks or keys without approval from the Office of the Chief is prohibited.

(e) Lost keys must be reported to the Office of the Chief so a replacement key can be issued.

(f) Upon separation from employment, assigned keys or locks shall be returned to the Office of the Chief before final pay check may be issued.

(g) In the case of employees who may be issued more than one locker, cabinet, credenza or desk, these guidelines shall apply to each assigned.

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Personal Communication Devices

702.1 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 (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

702.2 POLICY

The Park 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.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to 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

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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.

702.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. 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.

702.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

(d) 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 with regard to any department business-related communication.

1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Park City Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

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Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings, 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 requires express authorization of the Chief of Police or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.

(g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

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(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.8 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, members who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Utah Code 41-6a-1716). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Fiscal Management and Purchasing Procedure

703.1 PURPOSE AND SCOPE

This policy defines the responsibility of the Chief of Police as the Chief Executive Officer in the fiscal management of the department, outlines the fiscal responsibility of department members and purchasing procedure, and inventory control.

703.2 FISCAL RESPONSIBILITY

The Department operates on a fiscal year budget from July 1 through June 30th. The Chief of Police has the ultimate departmental authority and responsibility for the fiscal management activities of the Department. The budget is prepared through the assistance of Department employees and other city staff members.

The Department adheres to all city purchasing policies within the purchase order system and the administrative purchasing policies and guidelines provided by the City's Finance Department and approved by the City Manager. Large ticket items such as vehicles are generally purchased through a bid or price comparison basis. Specifications for the item may be drawn up by the Department or other such department or agency with expertise on the item in question.

It may be necessary to purchase or rent equipment to meet emergencies. In the event the Chief or Section Captains cannot be contacted during such emergency, department supervisors are authorized to make or authorize the equipment purchase/rental. Proper justification should be submitted to the Chief of Police as soon as possible.

It is the responsibility of each Captain, Sergeant, coordinator or team leader and employee to insure proper accounting for all expenditures and property purchased or obtained by the department.

703.2.1 INVENTORY CONTROL AND PURCHASING PROCEDURE

The Operations Captain will assign a sergeant as the inventory, equipment and purchasing coordinator for the Operations Division. Purchase requests for equipment will be given to the coordinator who will determine if the equipment will be provided through current Department inventory or if a purchase must be made. Purchase requests will be forwarded to the Administrative Captain for approval. The Administrative Captain will be the equipment coordinator for the Investigations Division.

Purchase requests forwarded to the Administrative Captain will adhere to the following procedure:

(a) All purchase request will require a department Purchase Request Form.

(b) All purchase requests require a written quote from the vendor. Do not use web site pricing as a quote. Web site pricing will not be accepted.

(c) Written quotes must be attached to the department Purchase Request Form and will require that the vendor quote number be written on the Purchase Request Form.

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(d) Department members will receive a printed Vendor Copy of the Purchase Request form if the request is approved by the Administrative Captain.

(e) Department members will have their Purchase Request Form returned by the Administrative Captain or the Equipment Sergeant if the request is denied.

(f) Purchase requests for new vendors will require a W-9 form from the vendor attached to the Purchase Request Form. This form can be found on the Public Safety Drive or provided by the vendor.

703.2.2 CASH

The Department seldom deals in cash. When an officer needs cash for a specific purpose such as traveling expenses, investigation expenses, or purchasing an item where a purchase order would not be honored, the request for cash disbursement should also come on an approved purchase order or a request for reimbursement for expenditures form.

In the event cash is used, upon completion of the transaction, a receipt for the item purchased or the expenses incurred shall be obtained by the employee and attached to the reimbursement form along with the balance of cash not used.

In cases such as drug buys or investigation expenses where receipts are not always possible, the officer using cash shall prepare a memorandum for the Chief of Police stating the use of the cash, how much was used, return of unused cash and note the purpose for the spending. Should cash be used as a part of a criminal case, that expenditure shall also be noted on the official police report.

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Refer to the City's policy manual section 5.5 Use of City Vehicles.

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper notification shall be promptly made to the Fleet Sergeant or duty sergeant by the employee who first becomes aware of the defective condition, describing the correction needed. The vehicle shall be promptly taken to the City's vehicle maintenance for repair or the dealership if under warranty.

Repairs that do not affect the safety of the vehicle shall also be made in a timely manner, according to the direction of the Fleet Sergeant.

Officers using a department vehicle other than their assigned vehicle shall keep the vehicle clean and orderly, fueled, and have the same responsibility for notification of any needed repairs.

704.2.1 VEHICLE MAINTENANCE

Officers assigned to a Department vehicle shall be aware of and adhere to preventative maintenance schedules.

Generally all maintenance, including flat tires, will be performed by a mechanic at the City's Fleet Department. Officers may perform minor maintenance such as changing a flat tire and changing lamps or fuses if there is no mechanic on duty and the repair can be done safely and will not lead to further damage to the vehicle.

704.2.2 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.3 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.4 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

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704.3 VEHICLE EQUIPMENT

Vehicles will be equipped and marked as specified by the Chief of Police. Officers shall not install or cause to be installed any equipment on a Department vehicle without explicit consent of the Chief of Police. Emergency equipment and insignia must be maintained in working order indicating their law enforcement nature. Mechanical failure of any emergency equipment shall be promptly reported the the Fleet Sergeant for immediate repair.

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the minimum equipment, as listed below, is present in the vehicle:

- Emergency road flares
- 6 orange traffic cones
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, including protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit and bags
- 1 Camera
- 1 fire extinguisher
- 1 pedometer or 100 foot tape

704.3.2 UNMARKED VEHICLES

An employee driving unmarked Department vehicles shall ensure that the minimum equipment, as listed below, is present in the vehicle:

- 20 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket

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- 1 Blood-borne pathogen kit, including protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

704.5 WASHING OF VEHICLES

All units shall be washed on a regular basis, and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees shall keep their vehicles clear of any trash or debris, shall keep their equipment in an organizational manner in the vehicle, and will provide the vehicle for inspection at least twice per year or upon request by a supervisor. Confidential material should not be kept in vehicles but placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees shall not use marked vehicles, but may on occasion use unmarked vehicles. Non-sworn employees shall ensure all weapons are removed from vehicles before driving a department vehicle. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

705.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Park City to provide assigned take-home vehicles.

705.2 POLICY

The Park City Police Department provides vehicles for department-related business use and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations. In addition to this policy, department members will adhere to the City's policy on using City owned vehicles as outlined in the Park City Municipal Employee Policies and Procedures manual, Section 8.5, Use of City Vehicles.

705.3 USE OF VEHICLES

City-owned vehicles shall be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours, such as court appearances, training, higher education classes and special events.

Members residing within the City's housing allowance boundaries are allowed personal use of assigned vehicles while off duty so long as the use complies with applicable restrictions outlined in the manual.

When operating a city owned vehicle off duty, members will have a department authorized weapon, police identification and all other equipment necessary to respond to a call for assistance.

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDT and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

705.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

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705.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a City-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Shift Sergeant of the reason for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

705.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

705.3.4 AUTHORIZED PASSENGERS

Members operating City-owned vehicles shall not permit persons other than City members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

Officer residing outside the housing allowance boundaries shall not permit persons other than city employees or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

Officers residing within the housing allowance boundaries are allowed to carry passengers only if the passenger is able to be removed from the vehicle if the officer is required to an incident or assist on-duty personnel.

705.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the

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member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Bureau Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

705.3.6 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

705.3.7 PRIVACY

All City-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

705.3.8 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

705.3.9 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

705.3.10 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

705.3.11 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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705.4 ASSIGNED VEHICLE AGREEMENT

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Bureau Commander and shall sign an agreement that includes the following criteria:

(a) The member must live within a 50 mile limit of the City's housing allowance boundaries. Members who reside outside the permissible boundaries may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Bureau Commander. Any consideration beyond the 50-mile limit would be at the discretion of the Chief or his designee and would be based on individual circumstances.

(b) Commute time is not compensable.

(c) City-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.

(d) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.

(e) The vehicle shall be parked in secure off-street parking when parked at the member's residence.

(f) Vehicles shall be locked when not attended.

(g) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home).

(h) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate department facility.

(i) All department identification, portable radios and equipment should be secured.

Members are cautioned that under federal and local tax rules, personal use of a City-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

705.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

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705.4.2 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

705.5 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Officers shall not duplicate keys.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

705.6 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Park City Police Department, an officer should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Officers may render public assistance (e.g. to a stranded motorist) when deemed prudent.

Officers shall, at all times while driving a marked City-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

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705.7 VEHICLE DAMAGE, ABUSE AND MISUSE

When a City-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also the Traffic Collision Reporting Policy).

When a collision involves a City vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the City's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

705.8 TOWING A TRAILER

Purpose:

To establish safe practices to ensure emergency vehicles are safely moved when operating in reverse mode.

Scope:

All Personnel.

Policy: Before pulling a trailer with a department vehicle, the following shall be checked and ensured to be in good order:

(a) Gross vehicle weight (GVW): Check to ensure the Gross Vehicle Weight Limit is not going to be exceeded before loading the trailer, this is the maximum weight the trailer can be when it's fully loaded to capacity with fluids and cargo. It's critical not to exceed this limit to ensure safe handling and prevent damage to your vehicle and trailer. Additionally, position cargo evenly over the axles as much as possible, too much weight either forward or aft will affect the tracking of the trailer, and potentially cause the trailer to sway and outdrive the tow vehicle.

(b) Hitch: Check what type of hitch you need to install and ensure you have the right size hitch ball if you're using a bumper-pull trailer, 2" and 2-5/16" hitch balls are most common. Ensure the hitch is correctly installed and latched and the safety pin and chains are in place and secured properly.

(c) Tires: Make sure the trailer tires are inflated to the proper pressure recommended by the trailer manufacturer. In addition, check the tires on your vehicle before you depart. This helps you keep track of any issues that crop up before they get a chance to worsen.

(d) Lights: Each time you hook up a trailer, check that the parking lights, turn signals, and hazard flashers light up. Additionally, the Spotter should verify the hitch and chains are

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properly attached and verify the lights are working. Most trailer brakes will not activate if the lights are not working correctly.

(e) Tie-downs: If you're using tie-downs to keep cargo in place, double-check the tension and then inspect them each time you stop. Vibrations from the road can loosen them and make your cargo less secure

When finished utilizing the trailer and after parking, ensure tire chocks are in place before lifting the tongue off of the receiver ball. Once freed from the tow vehicle, store the hitch (Ball/receiver) inside the front compartment and place a hitch lock on the tongue of the trailer to prevent theft.

BACKING

Before backing a vehicle towing a trailer, the driver shall ensure that the intended path is clear of hazards or obstructions.

One or more Spotters shall be employed as guides in all situations where the driver does not have a clear vision of the path of travel.

A Spotter is responsible for guiding the driver and ensuring that any potential hazards are avoided. Standard signals shall be used to communicate with the driver during the backing maneuver; hand signals or voice signals transmitted over a portable radio can be employed for this purpose. The Spotter shall direct the driver to stop at any time the backing maneuver cannot be completed safely.

The Spotter(s) shall be on the ground, to the rear of the vehicle, and shall remain visible to the driver at all times. If the driver loses sight of the spotter(s) at any time, the driver shall immediately stop the vehicle. In no case are cameras or safety devices a substitute for a Spotter. (NFPA 1500 requires at least one spotter to have contact with the driver.) If it is essential to back a vehicle with limited rearward visibility and no Spotter is available, the driver shall stop, dismount, and visually perform a 360-degree check around the vehicle before backing, with emphasis on the area behind and to both sides. After checking the area, the driver shall back the vehicle at a slow speed and with extreme caution, prepared to stop immediately if necessary.

Before towing a department tailer, all drivers will need to attend proficiency/familiarization training on the specific trailer wishing to be towed. The Park City Traffic Team will ensure all maintenance, including an annual inspection, of the trailer.

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Uniform Standard

706.1 ISSUE GUIDELINES

These guidelines set department standards and issue for uniforms, equipment and accessories worn by officers and employees of the department. The department provides uniforms, equipment, and accessories as outlined in these guidelines. These standards may change from time to time to facilitate department needs. Uniform items, equipment or accessories may not be purchased by the individual officer for duty use if that item is outside of these guidelines. Items not specified within these guidelines must receive approval from the Chief of Police before being worn.

All items are replaced on an "as-needed basis" as determined and approved by the equipment supervisor. Old uniforms, equipment, and accessories should be surrendered to the department upon replacement.

Each officer is responsible to ensure the maintenance of these items and to ensure all uniforms, equipment, and accessories are functional, clean and in good order. All issued uniforms, equipment, and accessories supplied by the department shall be returned to the department at the end of the officer's employment.

An officer shall only wear agency-issued or agency-approved body armor. Agency-issued body armor will be at the department's expense up to an amount determined by the Chief of Police. Officers shall wear body armor during the performance of their duty. Body armor purchased by the department is considered issued equipment and must be returned upon termination of employment. Refer to PCPD Body Armor policy 1025.

706.2 CLASS A UNIFORMS

Standard Class A Uniform:

Hat:

- R13 round-top cap
- Dark navy blue
- Cap bands:
  - Black band for officers
  - Silver band for sergeant ranking and above
  - Chief and Captains will have a silver laurels emblem on the brim
  - Nickel department hat badge

Jacket:

- Flying Cross FEC34880 long-style jacket
- Dark navy blue
- One service hash mark for every 5 years of service on the lower left sleeve

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- Silver with blue background
- Shoulder department patches
- Rank will be worn on a shoulder board
  - Sliver with blue background
- Silver nameplate with black lettering with the officer's first initial and last name
- Four service awards in two lines of two can be worn above the nameplate
- Department badge is worn above the left chest pocket

Shirt:

- Blauer, Flying Cross, or equivalent
- Dark navy blue
- Long-sleeve
- Worn with a white t-shirt
- Worn with a navy blue tie
- Department badge
- Nameplate:
  - silver with black lettering (indicating first initial and last name)
  - worn over the right pocket
  - with or without service stars, one star for every 5 years of law enforcement service
- Rank insignias (if applicable):
  - Silver
  - Collar or sleeve display
- Miscellaneous Insignia:
  - Professional affiliation,
  - Specialized training insignias
  - Worn above the nameplate
  - Four service awards, worn in two lines of two

Pants:

- Blauer, Flying Cross, or equivalent
- Dark navy blue
- Non-cargo style pants

Belt:

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- Black backset weave leather belt with silver buckle
- Worn with standard basket weave holster

Footwear:

- High gloss oxford shoes
- Black
- Worn with black socks

Alternate Class A Uniform:

Hat:

- R13 round op cap
- Dark navy blue
- Cap bands:
  - Black band for officers
  - Silver band for sergeant ranking and above
  - Chief and Captains will have a silver laurels emblem on the brim
  - Nickel department hat badge

Shirt:

- Blauer, Flying Cross, or equivalent
- Dark navy blue
- Long-sleeve
- Worn with a white-tshirt
- Worn with a navy blue tie
- Department badge
- Nameplate:
  - silver with black lettering (indicating first initial and last name)
  - worn over the right pocket
  - with or without service stars, one star for every 5 years of law enforcement service
- Rank insignias (if applicable):
  - Silver
  - Collar or sleeve display
- Miscellaneous Insignia:
  - Professional affiliation,

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- Specialized training insignias
- Worn above the nameplate
- Four service awards, worn in two lines of two

Pants:

- Blauer, Flying Cross, or equivalent
- Dark navy blue
- Non-cargo style pants

Belt:

- Black basket weave leather belt with silver buckle
- Worn with standard basket weave holster

Footwear:

- High gloss oxford shoes or boot with polished toe
- Black
- Worn with black socks

706.3 CLASS B UNIFORM

Standard Duty Uniform:

Shirt:

- Blauer, Flying Cross, or equivalent
- Dark navy blue
- Long- and/or short-sleeve
- Short sleeve shirt - Worn with a white t-shirt
- Long sleeve shirt - Worn with a white t-shirt or dark navy blue, mock turtleneck
- Department badge
- Nameplate:
  - silver with black lettering (indicating first initial and last name)
  - worn over the right pocket
  - with or without service stars, one star for every 5 years of law enforcement service
- Rank insignias (if applicable):
  - Silver
  - Collar or sleeve display

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- Miscellaneous Insignia:
  - Designation pins such as CIT, SWAT, etc.
  - Specialized training insignias
  - Worn above the nameplate
  - No more than two service awards may be worn at a time

External Vest Carrier:

- Blauer ArmorSkin vest
  - Worn with ArmorSkin base shirt or standard uniform shirt
  - Dark navy blue
  - Worn with "Standard Duty Uniform Shirt" accessories (badge, nameplate, etc.)
- Load-bearing tactical vest
  - Worn with ArmorSkin base shirt or standard uniform shirt
  - Dark navy blue with black pouches
  - Nametape in silver (cloud), block-style lettering
  - Load-bearing tactical vest style as approved through the Chief of Police
  - Will be worn with department badge
  - The following items have been approved to wear on the load-bearing vest:
    - Taser
    - OC spray
    - Radio
    - Handcuffs
    - Handgun magazines
    - Tourniquet
    - Flashlight
    - Collapsible Baton
    - No more than two edged weapons total between belt and vest

Pants:

- Blauer, Flying Cross, or equivalent
  - Dark navy blue
  - With or without side pockets

Footwear:

- Black

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- Ankle-support or Oxford style
- Specific style as approved through the Chief of Police

Hat:

- Dark Navy blue
- Baseball style cap
- Department badge embroidered on the front

Uniform Specifications:

- Department shoulder patch,.5" from the top seam on both shoulders
- Sergeant chevrons will be silver with a dark navy blue outline, 1/4" below the department patch on each shoulder
- Nameplate:
  - 2 1/4" by 3/8", not including stars
  - Style as approved by the Chief of Police

Standard Uniform Duty Belt

Belt Specifications:

- Black
- Basket-weave style
- Leather with silver buckle, or
- Faux-leather nylon with plastic buckle
- Nylon

Inner-belt:

- leather with silver buckle
- hook and loop nylon

Duty belt equipment:

- Holster
  - Standard or drop-leg

    Drop-leg holster can only be worn on one leg
  - Molded plastic holster (can be non-basket weave style)
  - Can accommodate a flashlight attached to a service weapon
- Handgun magazines
- Handcuff case

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- Flashlight holder
- Belt keepers
  - Must be consistent with entire belt
  - Silver or concealed snap
- Radio holder
- Surgical glove pouch
- Taser holster
  - Molded plastic (can be non-basket weave style)
  - May be used on drop-leg holster (one side only)*
- Collapsible Baton holder
  - Leather or molded plastic
- OC holder
- Tourniquet holster
-
- No more than two edged weapons total between belt and vest

Cold-Weather Gear

Coat:

- 5.11 Valiant with removable liner
- Dark navy blue

Coat Specifications:

- Embroidered department badge on the left chest pull-down
- Department patch on each sleeve, 1" from the shoulder seam
- Reflective silver "POLICE" on the back in 3" block-style lettering
- Officer's first initial and last name on the right chest pull-down
  - Silver (cloud),.35" block-style lettering

Coat Liner/Jacket:

- Fleece
  - Blauer Fleece model #4650
  - Dark navy blue
- Soft-shell
  - 5.11, Blauer, or Flying Cross equivalent
  - Dark navy blue

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Liner/Jacket Specifications:

- Embroidered department badge on the left breast
- Reflective silver "POLICE" on the back in 3" block-style lettering
- Officer first initial and last name on the right breast
    - Silver (cloud), .35" in block-style lettering

Footwear:

- Black
- Specific style as approved through the Chief of Police

Other gear:

- Gloves, black
- Beanie, Dark navy blue

706.4 CLASS C UNIFORM

Event Uniform

The event uniform is the same as the "Standard Duty Uniform" and "Standard Uniform Duty Belt" except for the shirt

Shirt:

- Patrol uniform shirt with a hi-viz vest
-
-
-
    - Worn with a white t-shirt
-
-
    -
-
-
- Blauer hi-viz polo short sleeve shirt
- If worn under an external load bearing tactical vest:
    - Worn with a white t-shirt
    - Patch on each sleeve
- If worn over a concealable tactical vest:
    - Worn with a white t-shirt
    - Patch on each sleeve

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- Embroidered first initial and last name on right chest
- Embroidered badge on the left chest
- Silver reflective "POLICE" on the back in 3" block-style lettering

Training Uniform

Shirt:

- Utility polo, long- or short-sleeve
- Dark navy blue
- Worn with white t-shirt
- Embroidered badge or patch/badge combo on the left chest
- Embroidered first initial and last name
  - Silver (cloud),.35" block-style lettering
- Silver reflective "POLICE" on the back in 3" block-style lettering
- Embroidered 'POLICE" on the sleeves in silver (cloud).35"block-style lettering

Pants:

- 5.11 Stryke pants in grey (storm) or khaki

706.5 SPECIALIZED UNIT UNIFORMS

Motors Patrol Uniform

Shirt:

- Same as "Standard Duty Uniform" or class C utility polo

Pants:

- Color: Dark navy blue
- Silver tape, reflective on the outer seam from front pocket to cuff
- Standard cotton/poly or poly/rayon blend motor britches.

Footwear:

- Motors equestrian style
- Black polished

Coat:

- Black leather motorcycle jacket
- Style as approved by the Chief of Police

Helmet:

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- Snell approved motorcycle DOT
- Black on white
- Motor wing and badge on the front

Additional Items:

- Black riding gloves
- Sunglasses
- Night riding glasses

Bike Team Uniform

Shirt:

- Utility polo, long- or short-sleeve
- Dark navy blue
- Embroidered badge on the left chest
- Embroidered first initial and last name
    - Silver (cloud), .35" block-style lettering
- Silver reflective "POLICE" on the back in 3" block-style lettering
- Embroidered 'POLICE" on the sleeves in silver (cloud), .35"block-style lettering
- Can be worn with a load-bearing vest in "Standard Duty Uniform"

Pants:

- Dark navy blue
- Bike-style pant, with or without zip-off panel
- Bike-style shorts

Shoes:

- Black athletic shoe
- Worn with dark low-cut socks

Belt:

- Same as "Standard Uniform Duty Belt" but can also be woven nylon

Other items:

- Bike helmet
- Gloves
- Glasses and/or sunglasses

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Cash Handling, Security and Management

707.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

707.2 POLICY

It is the policy of the Park City Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

707.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund. Other persons authorized to accept cash include the Records Supervisor and Records Clerk. Any funds requiring disbursement shall be handled through the Park City Municipal Corporation's Finance Department.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

707.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report. A daily cash report detailing cash and/or credit card transactions shall be recorded by the fund manager.

707.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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707.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Investigations Section supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

707.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

708.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

708.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

708.2 POLICY

The Park City Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

708.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

708.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed industry standards for use at firing ranges (29 CFR 1910.95; UAC R614-1-4).

708.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133; UAC R614-1-4).

708.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

708.7 RESPIRATORY PROTECTION

The Administration Bureau Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; UAC R614-1-4):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

708.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; UAC R614-1-4):

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(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

708.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; UAC R614-1-4):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

708.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; UAC R614-1-4).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

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708.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

708.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; UAC R614-1-4).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; UAC R614-1-4):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

708.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; UAC R614-1-4):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

708.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

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(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020 and UAC R614-1-4.

708.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; UAC R614-1-4).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; UAC R614-1-4).

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Chapter 8 - Support Services

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Communications Operations

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Dispatch Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Park 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.

800.3 THE DISPATCH CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Dispatch Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Dispatch Center.

Access to the Dispatch Center shall be limited to the Dispatch Center members, the Shift Sergeant, command staff and department members with a specific business-related purpose.

800.4 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.

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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.

800.5 RADIO COMMUNICATIONS

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

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

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

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

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

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

800.5.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Park City Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.5.2 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. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members 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.

800.5.3 ACCESS TO PORTABLE RADIOS

Each officer on-duty shall have access to a two-way, hand-carried portable radio.

800.6 RECORDING AND PLAYBACK

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

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800.6.1 REVIEW, COPYING, AND RELEASE OF RECORDINGS
Upon approval by the Communications Supervisor, recorded files may also be reviewed:

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

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

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

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

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

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

800.7 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.

800.8 ALTERNATE POWER SOURCE

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

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Property and Evidence

801.1 PURPOSE AND SCOPE

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

801.2 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in their possession until it is properly tagged and placed in the designated evidence locker or storage room. 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. A Release of 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). The form should be scanned into the case file as evidence of such release.

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801.3.1 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Sergeant. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the evidence room. Fireworks, road flares, or similar signaling devices may be booked as property only after being rendered inert by soaking in water and subsequently drying the items. All such items shall be stored in proper containers designated for flammable materials.

801.3.2 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) License plates found not to be stolen or connected with a known crime should be booked into evidence to be destroyed.

(c) All bicycles and large items require a property report. Property tags will be securely attached to each item. The property may be released directly to the property and evidence technician or placed near the evidence locker. If the items have evidentiary value, the items need to be secured in the ID Lab. Notification shall be sent to the property and evidence technician.

(d) All cash shall be counted in the presence of a supervisor and the packaging initialed by the booking officer and the supervisor.

(e) Syringes, needles and vapes will not be accepted.

(f) Perishable items shall not be booked into evidence.

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.

801.3.3 FIREARMS SAFEKEEPING

Officers shall accept a firearm for safekeeping from any cohabitant or owner cohabitant who requests it, and who believes that the owner cohabitant or another cohabitant with access to the firearm is an immediate threat to the cohabitant, the owner cohabitant, or any other individual

The officer receiving the firearm shall:

(a) Record the owner cohabitant's name, address, and telephone number.

(b) Record the firearm's serial number and the make and model of each firearm received.

(c) Record the date that the firearm was accepted for safekeeping.

(d) If the firearm was received from a cohabitant, require that the cohabitant sign a document attesting that the cohabitant resides in a home with the owner cohabitant.

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If a firearm received 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 77-11a-403.

The property and evidence technician shall hold a firearm accepted pursuant to this policy for an initial period of 90 days, renewable for an additional 90 days upon request of the cohabitant or owner cohabitant. At the expiration of this time the firearm shall be returned to the owner cohabitant subject to the following :

- If, prior to the expiration of the 90-day period, the owner cohabitant requests return of the firearm in person, it shall be returned at the time of the request upon BCI approval.
- If an owner other than the owner cohabitant requests return of the firearm, it may be returned to such owner after the expiration of the 90-day period if the owner requesting the firearm provides identification and signs a document attesting to having ownership of the firearm or pursuant to a court order.
- If an owner is subject to a jail release agreement or jail release order arising out of a class A misdemeanor or felony domestic violence offense for which the owner was arrested and jailed and for which a court has determined probable cause exists, the firearm may not be returned until 90 days after the expiration of the jail release agreement or jail release order.
- The firearm may not be returned to the owner cohabitant if the owner cohabitant is a restricted person under Utah Code 76-11-302 or Utah Code 76-11-303 or otherwise prohibited from possessing a firearm under state or federal law.
- A background check through BCI will be completed before the release of any firearms.

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

801.3.4 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:

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

(b) Mark each item of evidence with the initial officers initialsand the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) A property label must never be affixed directly to any item of property or evidence. All labels must be placed on the packaging or on the attached manila tag, not on the items itself.

(d)

(e)

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(f) When the property is too large to fit in a locker and has evidentiary value, the items need to be secured in the ID lab. Notification shall be sent to the property and evidence technician.

801.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs.

(b) Firearms.

(c) Property with more than one known owner.

(d) Paraphernalia as described in Utah Code 76-18-301.

(e) Fireworks.

(f) Contraband.

(g) Hazardous and/or biohazard materials

(h) Cash

Guns and money must have the initial officer and a witness officer (preferably a supervisor) signatures on the sealed evidence packages.

801.4.1 EVIDENCE PACKAGING ROOM

The evidence booking room and computer should be used to package all property and evidence.. Utilize the fume hood in the evidencebooking room when dealing with any substance.

801.4.2 PACKAGING CONTAINER

Employees shall package all property in a suitable container available for its size. Knife boxes should be used to package knives and gun boxes used to package guns. Syringes, needles and vapes will not be accepted. The content of such items should be put into a vial if needed for testing.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

801.4.3 PACKAGING NARCOTICS AND DANGEROUS DRUGS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged and placed in an evidence locker. Drug evidence must be weighed, signed, and sealed by the initial officer. The amount of weight shall be listed on the evidence bag and in the Spillman property module. 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 and the test kit discarded.

Employees testing unknown powders and pills shall take the following safety precautionary measures:

- Protective gloves, safety glasses/goggles, and N95+ mask shall be worn while field testing powder substances and pills.

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- Powder substances and pills shall only be tested in the presence of another officer. The second officer shall be in possession of Naloxone (Narcan) and an emergency decontamination kit.
- Powder substances and pills shall not be field-tested within a confined space such as that of a patrol vehicle.
- After handling, weighing or testing substances, use the provided Accelerated Hydrogen Peroxide and a disposable paper towel to clean the evidence booking counter, scales and fume hood. To properly clean the area/items, the solution must sit for 5 minutes.

All drugs shall be booked into the evidence room separate from any other property. The booking officer shall initial and date, half on the seal and half on the package. Paraphernalia, as defined by Utah Code 58-37a-3, shall also be booked separately from the drugs.

For the protection of evidence personnel, if a substance is suspected to be fentanyl or any other other deadly substance, a description shall be attached to the outside of the evidence packageand a pink fentanyl sticker must be added to the outside of the package. These items must be double bagged in plastic.

801.4.4 PACKAGING FIREARMS AND AMMUNITION

All firearms shall be handled as if they were evidence and involved in a homicide, to include running federal checks..

Firearms must be placed in an approved firearm box and secured with zip#ties. Magazines may be packaged inside the same box, but must not be inserted into the firearm. The firearm's serial number, make, and model must be clearly labeled on the outside of the box. Once packaged, the firearm box must be sealed on all sides with clear packing tape. Both the initial officer and the witnessing officer must sign the seal to verify that the firearm is unloaded and rendered safe. A yellow firearm sticker must also be completed, signed, dated, and affixed to the box.

Ammunition found within the firearm chamber must be placed in a 3×5 manila envelope and packaged inside the firearm box. Ammunition located in the firearm magazine should remain in the magazine. Fired cartridge cases, bullets, slugs, or any ammunition components with evidentiary value must be packaged separately.

For firearms booked as safe#keep, found property, or hold#for#owner, any accompanying ammunition will be removed by the Property and Evidence Technician and a second officer at the time the firearm is released, in accordance with this policy. Ammunition is not returned to owners without a court order and will be destroyed.

Fire debris cans may be used to package firearms recovered from water. Keep the firearm fully submerged in the same water in which it was found, and submit it to the Crime Lab immediately.

801.4.5 PACKAGING OF HAZARDOUS AND/OR BIOHAZARD MATERIALS

Items posing a fire, explosive, chemical, hazmat, liquid spill, or other safety hazards shall not be booked into evidence until rendered neutralized and identified as such on the evidence package.

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If the items can not be rendered safe, they must be destroy by the booking officer. An example of rendering neutral is the disassembling, battery removal, and liquid containment of electronic vaping devices.

Items containing biohazard substances shall be packaged by using Personal Protective Equipment according to state evidence and property guidelines, as well as City policies. This includes packaging such items in a manner that does not spread and cross-contaminate to other pieces of evidence. Such packaging shall be externally identified with bio-hazard stickers. Wet or damp items of evidence shall be dried before packaging.

801.4.6 PACKAGING OF CASH AS EVIDENCE

Cash, and specifically cash over $500, is to be handled according to Policy 606.3.2 in this manual regarding seized currency. All cash shall be booked into the evidence room separate from any other property, including purses and wallets. All cash shall be counted in the presence of a supervisor and the evidence package initialed by the booking officer and the supervisor, who was present for the count. The amount of cash shall be listed on the evidence bag and in the Spillman property module. After booking cash into the Evidence Room, the Evidence Technician shall place the cash in the safe drop, separate from general evidence.

801.5 RECORDING OF PROPERTY

The property and Evidence Technician receiving custody of evidence or property shall record his/her name, the date and time the property was received and where the property will be stored in the evidence module.

Any changes in the location of property or evidence held by the Park City Police Department shall be noted in the evidence module .

801.6 PROPERTY CONTROL

Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information in the evidence module.. Officersdesiring evidence for court shall contact the property and evidence technician at least 48 hours prior to the court date.

801.6.1 RELEASE OF PROPERTY AND EVIDENCE

Every time property is released or received, an appropriate entry in the Spillman evidence module shall be completed to maintain the chain of custody.

Officers must fill out a Property and Evidence Release Form any time items are released to an owner. A copy of the owner's government issued ID must be attached to the signed form and uploaded to the Spillman case file.

801.6.2 TRANSFER OF EVIDENCE TO STATE LABORATORIES

The property and evidence technician will indicate the date and time of transport in the evidence module.

The property and evidence technician releasing the evidence must complete the required information in the evidence module. The lab forms will be transported with the property to the

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examining laboratory. Upon delivering the item involved, the property and evidence technicianwill record the delivery time in the evidence module. The original copy of the lab form will remain with the evidence and the copy will be returned to the evidence room.

801.6.3 STATUS OF PROPERTY

Temporary release of property to officers for investigative purposes, or for court, shall be noted in the evidence module stating the date, time and to whom released.

The property and 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 returned to the property and evidence technician or released to another authorized person or entity.

The return of the evidence should be recorded in the evidence module, indicating date, time and the person who returned the property.

801.6.4 RELEASE OF PROPERTY

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the releasing officer and must conform to the items listed on the release receipt Release of all property shall be documented in the evidence module.

Firearms should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping (Utah Code 77-11d-104). A property and evidence technician shall release such property when the owner presents proper identification. The signature of the person receiving the property and the final disposition of the property shall be recorded in the evidence module.

Found property and property held for safekeeping shall be held for a minimum of 90 days. If the owner of any unclaimed property cannot be determined or notified, or if the owner has been notified and fails to appear and claim the property, the agency shall (Utah Code 77-11d-105):

(a) Publish at least one notice giving a general description of the property and the date of intended disposition,to the state Public Legal Notice website.

(b) Post a similar notice in a public place designated for notice within the law enforcement agency.

(c) Post a similar notice on the City public website of the Park City Police Department.

If no claim is made for the property, the property may be returned to the person who brought the property to the Department or disposed of according to Utah Code 77-11d-105. The final disposition of the property shall be fully documented in the evidence module.

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801.6.5 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.

801.6.6 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

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

801.6.7 FIREARMS

Before returning a seized firearm to an individual, the property and evidence technician shall submit the necessary form to the Bureau of Criminal Identification to determine whether the individual may lawfully possess and receive a firearm (Utah Code 77-11a-402; UAC R722-380-5).

The Department shall dispose of confiscated or unclaimed firearms as provided by Utah Code 77-11a-403.

801.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of an authorized release form for disposal. The property and evidence technician shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective.

801.7.1 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
- Unclaimed, stolen or embezzled property
- Destructive devices

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801.7.2 UNCLAIMED MONEY

If found money 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 Department. Any person employed by a law enforcement agency who finds or seizes money may not claim or receive the money (Utah Code 77-11d-105).

801.7.3 BIOLOGICAL EVIDENCE

The property and evidence technician shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Investigation Bureau Commander

Biological evidence shall be retained for a minimum period established by law (Utah Code 77-11c-201; Utah Code 77-11c-301; Utah Code 77-11c-401; Utah Code 53-10-904; Utah Code 53-10-905) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Bureau Commander.

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

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

801.7.4 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. Prior to the release of the property, the owner shall provide (Utah Code 77-11a-301):

(a) Documentation establishing ownership of the property.

(b) Documentation that the owner may lawfully possess the property.

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Before returning a seized firearm to an owner, the property and evidence technician shall confirm through the Bureau of Criminal Identification, that the owner is eligible to lawfully possess and receive a firearm (Utah Code 24-3-103).

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

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

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

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

801.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the evidence and property technician and an officer shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

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

(c) An annual audit of evidence held by the Department shall be conducted by a Bureau Commander (as appointed by the Chief of Police) not charged with custody of property.

(d) 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.

801.9 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:

(a) Date and time of entry and exit.

(b) Name of individual(s) entering the Evidence Room.

(c) Reason for entry.

(d) Name of the escort.

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BUILDING ACCESS

802.1 POLICE FACILITY VISITOR IDENTIFICATION

To ensure the safety of all employees and protect file and computer information confidentiality, all non-employee visitors entering the Police Department building beyond the public lobby shall be identified as visitors by wearing a "visitor identification badge" or valid city identification. The badge or identification will clearly identify authorized visitors and alert employees to their visitor status should they enter restricted areas. Whenever possible, employees should notify the Records Unit in advance if they are expecting a visitor.

802.1.1 PROCEDURE

The following procedure should be followed by the Records Unit and other personnel assigned to handle front lobby business:

(a) Visitors must check-in at the front lobby counter.

(b) If appropriate, request a visitor's driver's license or another valid form of identification.

(c) Exchange identification document with a "visitor identification badge".

(d) Document visitor in the visitor log maintained at the front counter.

(e) Notify department employee that visitor(s) are waiting for them in the lobby.

(f) Upon visit completion, reverse the process (a-e).

Outside law enforcement agencies, city employees and contractors (shredding, building maintenance, water delivery, etc.) are exempt from the visitor identification badge requirement provided they clearly exhibit their badge, identification card, or proper uniform provided they have been clearly identified before conducting business in the building.

802.2 RECORDS SECTION ACCESS

No person, including Park City Police Department employees, shall enter the Records Section secure work area unless assigned to the Records Section or having legitimate business. Officers dispatched or directed to conduct police business with citizens in the Police Department lobby shall do so in the lobby or another appropriate area, not from within the Records Section secure work area unless they do so for safety reasons.

802.3 OUTSIDE AGENCY ACCESS

DEFINITIONS:

- Unescorted General Access means entry to departmental areas without divisional door access.

The Park City Police Department has established access procedures for Commanders from outside agencies or other law enforcement professionals. Unescorted General Access is granted at the sole discretion of the Chief of Police or designee. When granting access to outside law enforcement professionals, the following procedures should be followed:

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(a) Only sworn law enforcement personnel (local, state, and federal) approved by the Chief of Police or designee will have general access to the restricted areas in the Park City Police Department.

(b) Only sworn personnel who are currently UCJIS compliant shall be issued a general access badge.

(c) Individuals requesting departmental general access shall provide a current photograph to be embossed on the access badge.

(d) Those receiving general access badges must follow all applicable rules and procedures when occupying city facilities.

(e) Upon any change of employment status (separation from agency, retirement, reassignment, demotion, etc.), the individual who has been granted general access shall notify the Field Operations Captain that they no longer require access, in writing, at least 24 hours prior to the change of status.

(f) Individuals granted general access badges are forbidden to share or otherwise allow others to use those badges. Any violation of this subsection will result in immediate revocation of the person's general access badge.

(g) Access to Park City Police Facility will be restricted to only those general secure areas of the police department. Access will not be given to the administrative offices, Records Division, Field or Special Operations Bureaus, Sergeant offices, Emergency Management offices, Evidence suite, or secured closets or storage.

(h) Access to the Park City Police Department may be revoked for any reason and at any time at the discretion of the Chief of Police or designee.

Records Division Duties:

The Records Center staff shall perform semi-annual audits of all individuals not employed by the Park City Police Department but who have been granted access to its building. The audits should be completed by the end of the first week of January and July each year. Upon locating an access discrepancy, records staff will immediately inform the Park City Human Resources office, which will, in turn, terminate access based on the discrepancy.

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Records Center

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Park City Police DepartmentRecords Center. The policy addresses department file access and internal requests for case reports.

803.2 POLICY

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

803.3 FILE ACCESS AND SECURITY

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

The Records Center will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.3.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Center. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Center shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Center.

All original case reports to be removed from the Records Center shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Center. The photocopied report shall be shredded upon return of the original report to the file.

803.3.2 REQUESTING POLICE RECORDS/GRAMA

Records, including police reports, criminal histories, and other documents related to police activities are controlled by the Government Records and Access Management Act (GRAMA) of the

State of Utah (63G-2-201 et esq). Custody and integrity of the records-keeping system is under the direction of the Records Manager. Many records are stored pursuant to departmental policy and others pursuant to state statutes. Consequently, release of records information is highly regulated. Policies regarding release of specific records are governed by GRAMA and are maintained by the records manager.

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For the purpose of this manual the following process should be followed:

Records are classified as "public", "private", "controlled", "protected", and "exempt" with respect to GRAMA:

(a) PUBLIC records have general public accessibility including such information as "blotter logs", city ordinances, general employment records, and crime statistics.

(b) PRIVATE records include police reports, activity logs, non-general employment records, department policy manual, statements, and other information which may be released to persons upon proper documentation of their relationship to the case or upon screening of the information to establish cause and relevance for the requester, or release by consent of the person or authority to whom the record pertains.

(c) CONTROLLED records include medical information, information normally restricted by professional ethics, or information which could be detrimental to health and safety of those concerned.

(d) PROTECTED records include intelligence information, arrest files, third party witness statements, recordings, computer data stored in police files, juvenile information and other such material protected from release without substantial showing of cause.

(e) EXEMPT records are those records such as child abuse reports, criminal histories, sex offender records and numerous other materials which may not be released as they are controlled by other state.

The department classifies its records by one or more of the above criteria. Records may only be released to persons who complete the department "request for records release" form. Upon completion of the form, a determination will be made by the records manager if the requester is entitled to the information requested. This determination and the production of the requested records may take up to five (5) business days.

803.3.3 RECORDS INTEGRITY

All requests for police records must be directed to the Police Records Division. Under no circumstances are Department employees to disseminate records information or law enforcement documents to members of the public, the media, or persons involved in a case without going through the GRAMA process. The exception being information which may be transmitted between law enforcement officers for law enforcement purposes. The Department uses a number of forms through which information is gathered and stored, and/or referred to another agency. Forms are designated by the Chief of Police and changed only upon direction of the Chief of Police. Some forms have been generated by the state of Utah and are to be completed and submitted according to state regulations. New forms can be created by employees as a need arises, but must go through an approval process via the chain of command.

803.4 CONFIDENTIALITY

Records Center staff has access to information that may be confidential or sensitive in nature. Records Center staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other

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confidential, protected, or sensitive information except in accordance with Records Maintenance and Release and Protected Information policies and the Records Center procedure manual.

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Restoration of Firearm Serial Numbers

804.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies and safety protocols for the recovery of obliterated serial numbers from firearms and other objects, using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

804.2 PROCEDURE

Any firearm coming into the possession of the Park City Police Department as evidence or found property, where the serial numbers have been removed or obliterated will be processed in the following manner.

804.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects, such as halos on the revolver cylinder face, or other relevant evidence that might be obscured by the fingerprinting chemicals.

804.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the Property Form that serial numbers have been removed or obliterated.

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804.2.3 OFFICER RESPONSIBILITY
The property and evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration; maintaining the chain of evidence.

804.2.4 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence, from the time it was received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received.

804.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property and evidence technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

804.3 OTHER CONSIDERATIONS
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

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Records Maintenance and Release

805.1 PURPOSE AND SCOPE

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

805.2 POLICY

The Park 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-2-201 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:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records. This responsibility includes:

1. Performing the duties specified for governmental entities under GRAMA (Utah Code 63G-2-307) and the Government Data Privacy Act (Utah Code 63A-19-401 et seq.).
2. Ensuring compliance with retention and preservation standards for digitally authenticated records (Utah Code 63A-12-117).
3. Overseeing the maintenance and destruction of imaging surveillance data as required by Utah Code 77-23d-105.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the Bureau responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

1. 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).

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Utah Code 63G-2-203).

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(g) 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:

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

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

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

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

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

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

1. If the existence of extraordinary circumstances precludes approval or denial of the request within the time permitted under law, additional time may be granted.

2. A request made by or on behalf of a person on parole, or in jail or another correctional facility following a conviction, may be denied unless it is submitted by an attorney of that person or is one of their first five requests submitted during a calendar year requesting only a record that contains a specific reference to that person (Utah Code 63G-2-201).

(f) If the Records Officer denies a request, a notice of denial shall be sent to the requester. The notice shall contain a description of the record denied, the legal basis upon which 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 or a fee waiver by the Records Officer may be appealed to the Chief of Police (Utah Code 63G-2-401). Upon receipt of a notice to appeal, the Chief of Police must review and make a determination within 10 business days (or five business days if the requester

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or interested party demonstrates that an expedited decision benefits the public). If a determination is not made within the specified time frame, the appeal shall be considered denied.

If the Chief of Police affirms the denial, notice shall be sent to the requester informing them of (Utah Code 63G-2-401):

(a) The right to request that the government records ombudsman mediate the dispute.

(b) The right to appeal the denial to the director of the Government Records Office, the district court, or the local appeals board, if established.

(c) The time limits for filing such mediation request and appeal.

(d) The contact information of the executive secretary of the records committee, local appeals board, if established, and the government records ombudsman.

805.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

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

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

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

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

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

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

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

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

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

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

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1. Inside a home or residence (Utah Code 63G-2-302; Utah Code 77-7a-107).
2. Inside a hospital or health care facility, inside a clinic of a health care provider, or inside a human service program (Utah Code 63G-2-305).

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

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

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

(a) Utah Code 63A-19-408 (private information of government employees).

(b) Utah Code 63G-2-302 (private records).

(c) Utah Code 63G-2-304 (controlled records).

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

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

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 RELEASE OF RECORDINGS RELATED TO CRITICAL INCIDENTS

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

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

805.11 DATA SECURITY

Members who become aware that any department system containing personal information may have been breached should notify the Records Officer as soon as practicable.

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

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

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National Crime Information Center (NCIC) Validation Procedures

806.1 PURPOSE AND SCOPE

This policy is established to provide direction and guidance on the proper procedures for monthly NCIC validations.

806.2 ABBREVIATIONS

BCI – Bureau of Criminal Identification (Utah)

FBI – Federal Bureau of Investigations

CSA – CJIS System Agency

CSO – CJIS Systems Officer

DMV – Department of Motor Vehicles

ERMS - Electronic Records Management System

VLN - Name of Validator

NCIC – National Crime Information Center

NLETS –National Law Enforcement Telecommunications System

ORI – Originating Agency Identification

TAC – Terminal Agency Coordinator

UCJIS – Utah Criminal Justice Information Services

806.3 POLICY

The department's TAC will ensure monthly validations are provided to the NCIC as required by the Utah State Bureau of Criminal Identification (BCI) and the Utah Criminal Justice Information Services (UCJIS).

(a) Agencies operating with the UCJIS system are responsible for verifying the receipt of the monthly validation material. If the agency does not receive the validation material, the UCJIS Systems Officer (CSO) or his/her designee must advise the FBI's Data Integrity staff at (304) 625-3020.

(b) It is the CSA's discretion as to the method for completing validation. Validation certification means that:

1. The records contained on the validation listing have been reviewed by the originating agencies;
2. The records which are no longer current have been removed from NCIC active database and all records remaining in the System are valid and active;
3. Records contain all available information; and

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4. The information contained in each of the records is accurate.

(c) Certification response conditions:

1. The certification response, whether via the Name of Validator (VLN) Field, paper certification, or the International Justice and Public Safety Network (NLETS) message must be returned to FBI CJIS prior to the first Sunday of the second month following the date the validation file was made available by the FBI. CSAs that choose to certify completed validation via an NLETS message must contact the FBI's Data Integrity staff at (304) 625-3020 prior to implementation. The NLETS message must be transmitted to the FBI at ORI DCFBIWA03 within the designated time frame.

2. If a CSA has not received a certification response from an agency under its service jurisdiction in time to certify to FBI CJIS that all records have been validated, the CSA shall remove from NCIC all records, except Unidentified Person Records, which are the subject of that agency's validation listing.

3. If a CSA fails to certify any validation listing to the FBI UCJIS within the specified time, FBI UCJIS shall remove all of that state's/federal agency's invalidated records, except for Unidentified Person File records.

(d) VALIDATION

1. Validation obliges the Originating Agency Identification (ORI) to confirm that the record is complete, accurate, and still outstanding or active. Validation is accomplished by reviewing the entry and current supporting documents, and by recent consultation with any appropriate complainant, victim, prosecutor, court, nonterminal agency, or other appropriate source or individual. In the event the ORI is unsuccessful in its attempts to contact the victim, complainant, etc., the entering authority must make a determination based on the best information and knowledge available whether or not to retain the entry in the file.

2. The current supporting documents may be electronic or hard copy if the CSA and the originating agency recognize the document as official. Also for electronic warrant systems, checking the appropriate source to see if the warrant is still active may be accomplished by using an ERMS. For ERMS, the CSA and the originating agency should ensure additional checks and balances are in place to verify the validity of the systems, i.e., files must be synchronized with the appropriate sources/systems being used. The comparison must identify records that are non-existent in one or more of the synchronized databases and the agency must conduct a follow-up to resolve discrepancies. For valid records, the synchronization must also compare the electronic record with the NCIC record to identify additional or inaccurate information. If the agency's ERMS searches other databases or systems, such as the DMV, court databases, or the III, to populate its NCIC records, the monthly validation must also include file synchronization against the other sources checked and follow-up to resolve discrepancies to ensure the accuracy and completeness of the NCIC records.

3. Each month CSAs receive a file of records to be validated. The CSAs in turn distribute the records to be validated to the ORIs as appropriate. On the first

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Saturday of the month, the NCIC System selects the records scheduled for validation. The NCIC System does not retrieve for validation those records that have been validated within the last calendar month. The CSA selects to conduct validations on-line or to notify CJIS that validations have been completed. If a state/federal agency uses the on-line validation process, the agency must modify each record being validated to include updated information in the Name of Validator (VLN) Field. If a record has not been validated within a month from the request for validation, the NCIC System will generate a Failure to Validate Notification to the ORI on the Monday following the first Sunday of the month. The notification serves as a warning for the agency to validate the record or the NCIC System will retire the record during the next purge cycle. If the record is not validated by the first Sunday of the following month, the NCIC System will retire the record and generate a Purge Failure to Validate Notification

4. On a monthly basis, the NCIC System extracts active records on file for validation purposes. The validation includes a portion of each file and includes those records 60-90 days old. In addition, it includes any records 14-15 months old, 26-27 months old, 38-39 months old, etc.
5. National Sex Offender Registry and Known or Suspected Terrorist File records are selected for validation under an alternative procedure.
6. The FBI's CJIS Division policy states that records in the Vehicle, Boat, Gun, Vehicle/Boat Part, License Plate, and Securities Files and qualifying records in the Article File must be validated only once when they are 60-90 days old. However, CSAs must request to participate in the one-time only validation by contacting the FBI CJIS Division at (304) 625-3000. For all other person files, the first 60-90 day validation should be performed according to the validation rules set forth in Section 3.4, paragraph 1.
7. Subsequent validation cycles require contact with the court or other appropriate source to verify the validity of the record.
8. The NCIC System sorts records by CSA. On a monthly basis, the CSAs are advised when a file of records to be validated can be retrieved by way of a $.B. notification. Upon receiving this notification, the CSA has 30 days to initiate a file transfer before the file will be deleted. Within the file of records to be validated, each record is presented as a $.C. REQUEST FOR VALIDATION message or in the validation fixed format. The CSA distributes the records to be validated to the ORIs as appropriate. CSAs must certify completed validation to the FBI's CJIS Division prior to the first Sunday of the second month following the date the validation material was made available by the FBI.
9. The sequence of records included in the file is as follows: 1. Wanted/Gang Member 2. Missing/Unidentified 3. Vehicle/License Plate/Part/Boat 4. Gun 5. Securities 6. Protection Order 7. Supervised Release 8. National Sex Offender Registry 9. Identity Theft 10. Violent Person
10. If the record, excluding National Sex Offender Registry records, has been validated electronically within the last calendar month, then the record is considered validated and is not included in the file of records to be validated. If a

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National Sex Offender Registry record was validated electronically within the last 11 months, then the record is not included in the file of records to be validated.

11. Article File records containing a Type Field codes beginning with "Q" and "T", or “Z” will be validated as described in the Validation schedule above. Other Article File records are not included in the validation process since they have a short retention period. The NICS Denied Transaction File records are also not subject to validation, since these records are a subset of data maintained by the NICS. All other files are subject to validation.

12. Each agency must keep in mind the synchronization of records. The records being validated will be chosen by date of entry, Eastern Standard Time (EST) into NCIC. Agencies located in a different time zone must realize that the validation will include records entered after midnight EST on the first of the month through midnight on the last day of the month.

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Protected Information

807.1 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 Park 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.

807.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Park 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.

807.2 POLICY

Members of the Park 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.

807.3 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:

(a) 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).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Park City Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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807.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Park 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. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

807.4.1 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.

807.4.2 RELEASE OF CHRI AND OTHER BCI PROTECTED INFORMATION

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Terminal Agency Coordinator.

(b) Alt-terminal Agency Coordinator.

(c) Records Supervisor.

(d) Full-time employees of the Records Center.

(e) Personnel specifically designated in writing by Section Commanders with the concurrence of the TAC.

807.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not be transmitted by radio broadcast or through unsecured computer terminals to field personnel or vehicles unless it is necessary to protect officers or the public from an identifiable threat. CHRI may be transmitted as part of a “be on the lookout” (BOLO) or “attempt to locate” (ATL) as necessary.

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807.5 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 Center to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone, or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

807.6 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 (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities (Utah Code 63A-19-405; Utah Code 63A-19-406).

(e) Developing procedures and ensuring compliance with the Government Data Privacy Act (Utah Code 63A-19-401 et seq.).

807.6.1 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

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table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

807.6.2 INTIMATE IMAGES
Any member who obtains access to an intimate image (as defined in Utah Code 76-5b-203) in the course of a criminal action shall not display, duplicate, copy, or share the intimate image unless the member is doing so solely for the purpose of the adjudication, defense, prosecution, or investigation of a criminal matter involving the intimate image as required by state law (Utah Code 76-5b-203.5). Any such disclosure of an intimate image requires supervisory approval.

807.7 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.

807.7.1 COMPUTER TERMINAL SECURITY
No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training. Computer terminals with access to CHRI and other protected information shall remain out of public view and unauthorized viewing.

Department issued computers must be encrypted, password protected and must be secured with a lock to the terminal when operated in vehicles.

807.7.2 DESTRUCTION OF CHRI
When any document providing CHRI or other protected information has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CHRI documents and other protected information they receive.

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

807.8 TRAINING PROGRAM

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the TAC. The TAC shall coordinate the course to provide training in the proper use, control, and dissemination of CHRI.

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BCI Users

808.1 PURPOSE AND SCOPE

This policy is established to provide direction and guidance on the proper use and privacy issues surrounding all UCJIS users. It shall be the policy of the Park City Police Department, to ensure security, order and discipline within the department's BCI/UCJIS operating guidelines.

808.1.1 COMPLIANCE AND MISUSE POLICIES

Any personal use of the information housed in the Utah Criminal Information System (UCJIS) files or improper access or dissemination of the information will result in strict sanctions against the terminal operator (user) and/or the agency employing the terminal operator (Emergency Services Division, Park City Police Department). Examples of Terminal Operator/Terminal Agency violations are:

- Failure on the part of an individual and/or agency to comply with the rules, regulations, policies and procedures.
- Misuse of any UCJIS file.
- Improper dissemination of information obtained from UCJIS.
- Unsatisfactory audit and/or failure to comply after notification.
- Failure to train, test and certify terminal operators, as required.
- Failure of the Terminal Agency Coordinator (TAC) to attend mandatory training sessions.
- Failure to conduct a thorough background screening on each terminal operator issued a system ID.
- Improper running of Criminal History Information for individuals to receive their own information.

Investigations - In the event of misuse of the UCJIS system, the TAC will report any misuse of the UCJIS files to the Police Chief and any Law Enforcement Internal Audit Authority convened for review. Pending the outcome of the review, the Police Chief and Internal Audit Authority, will be contacted for inclusion in the review process. The BCI Director and the Commissioner of Public Safety will be notified immediately of any suspected misuse of UCJIS files or the data obtained through UCJIS as stated in UCA 53-10-108. If it is determined that the integrity of the system or information therein has been compromised the Director of the Bureau of Criminal Investigations and Technical Serviceswill be consulted for possible imposition of sanctions, which may include:

(a) Terminal Operator:

1. Written Warning.
2. Suspension of Logon ID during investigation of allegation of misuse of UCJIS.
3. Permanent deletion of Logon ID due to substantiated misuse of UCJIS files.
4. Charges with violation of State Statute 53-10-108(11a).

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5. If determined that this was a deliberate violation of the use of the UCJIS system; this will be classified as a Class B misdemeanor. IAW AR 690-700, Chapter 14 (Table of Penalties), the penalty may range from: Warning to Removal.
6. 30 day suspension

(b) Terminal Agency (Park City Police Department):

1. Written Warning (BCI)
2. Suspension of access to UCJIS (reinstatement within 30 days of corrective action upon receipt of satisfactory assurance that such violations have been corrected).
3. Removal from UCJIS files.

All operators and/ or users will sign an acknowledgment of their understanding of this policy. A copy will be placed in their UCJIS file maintained by the Terminal Agency Coordinator.

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Computers and Digital Evidence

809.1 PURPOSE AND SCOPE

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

809.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and therefore they should utilize the most knowledgeable available resources. When possible, this includes enlisting the help of a computer forensics examiner, who will make an exact copy, or mirror image, of the computer's hard drive; the original will be stored as evidence. This eliminates the possibility of altering or destroying any evidence on the original. The examiner will then search the copy of the hard drive for evidence.

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

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

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

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

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

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

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

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

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

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

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1. Where the computer was located and whether it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.
4. If it can be determined, how it was being used.

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

809.2.1 BUSINESS OR NETWORKED COMPUTERS

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

809.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, floppy disks, compact discs or any other storage media is required, an exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices. The officer will then forward the following items to a computer forensic examiner:

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

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

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

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

809.3 SEIZING DIGITAL STORAGE MEDIA

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

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

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(b) Do not review, access or open digital files prior to submission to a computer forensic examiner. If the information is needed for immediate investigation request the Evidence Room to copy the contents to an appropriate form of storage media.

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

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

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

809.4 SEIZING PCDS

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

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Un-sent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday shielding bag to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until the devices can be examined. If the batteries go dead all the data may be lost.

809.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

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

809.5.1 COLLECTION OF DIGITAL EVIDENCE

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

809.5.2 SUBMISSION OF DIGITAL MEDIA

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

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Evidence Room as soon as possible for submission into evidence.

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(b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the Property Form.

(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must request a copy on the Property Form when the items are submitted to evidence.

809.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

809.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

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

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

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Animal Control

810.1 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.

810.2 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

(a) Animal-related matters during periods when Animal Control is available.

(b) 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.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

810.3 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:

(a) There is a threat to the public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. 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.
2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. 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.

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810.4 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.

810.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

810.5.1 INJURED WILDLIFE

Members encountering injured wildlife should contact the Utah Division of Wildlife Resources or one of the Division's authorized wildlife rehabilitators.

810.6 POLICY

It is the policy of the Park City Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

810.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Utah Code 76-13-202 et seq.

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty in accordance with Utah Code 76-13-102.

810.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

810.9 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/ holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

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810.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Sergeant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

810.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality of life issues.

810.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

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Jeanne Clery Campus Safety Act

811.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Campus Safety Act (Clery Act).

811.2 POLICY

The Park City Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Park City Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Park City Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Park City Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

811.3 POLICY, PROCEDURE, AND PROGRAM DEVELOPMENT

The Chief of Police shall:

(a) Ensure that the Park City Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into agreements as appropriate with local law enforcement agencies to:

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
4. Notify the Park City Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
5. Notify the Park City Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such

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disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and what to do if an offense occurs, including but not limited to who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for in 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

(g) Appoint a designee to assist in the development of prevention and awareness programs related to hazing as defined by the institution, including but not limited to the procedures for reporting and investigating incidents; information on local, state, and tribal laws on hazing; and hazing prevention strategies (20 USC § 1092(f)(1)(K); 20 USC § 1092(f)(1)(L)).

811.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining Park City Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter

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8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
10. Dating violence, domestic violence, and stalking
11. Hazing

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity, or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(13); 34 CFR 668.46(c)(5)):

1. On campus.
2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus residential or student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the Park City Police Department (34 CFR 668.46(c)(3)).

(e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

(h) Hazing incident statistics shall be compiled using the definitions in the Stop Campus Hazing Act (20 USC § 1092 (f)(6)(A)(vi)). The statistics shall be compiled for each single incident and as required by 20 USC § 1092(f)(7).

811.4.1 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

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(a) The daily crime log will record all crimes reported to the Park City Police Department, including the nature, date, time, and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Department.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the policedepartment or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

811.5 INFORMATION DISSEMINATION

It is the responsibility of the AdministrationBureau Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault, and stalking awareness and prevention programs, including:
    (a) Procedures victims should follow.

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(b) Procedures for protecting the confidentiality of victims and other necessary parties.

5. Policies and incident prevention and awareness programs concerning hazing, including:
   (a) Procedures for reporting incidents.
   (b) Procedures for investigating incidents.
   (c) Information on applicable local, state, and tribal laws on hazing.
   (d) Primary prevention strategies (e.g., bystander intervention, ethical leadership, building group cohesion without hazing).
6. Enforcement policies related to alcohol and illegal drugs.
7. Locations where the campus community can obtain information about registered sex offenders.
8. Emergency response and evacuation procedures.
9. Missing student notification procedures.
10. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

(d) Information necessary for the institution to prepare the Campus Hazing Transparency Report (CHTR) (20 USC § 1092(f)(9)).

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CJIS Access, Maintenance, and Security

812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access Criminal Justice Information.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

812.2 POLICY

It is the policy of the Park City Police Department to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

812.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Park City Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

812.3.1 CJIS COORDINATOR RESPONSIBILITIES

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

(a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the Utah Bureau of Criminal Identification (BCI).

(b) Managing member accounts with access to CJI, including:

1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:

1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
4. Maintaining records for all system maintenance and diagnostic activities.

(d) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.

(e) Providing for the security of hardware that includes provisions for the following:

1. How hardware is to be brought into and taken out of department facilities
2. Physical security of hardware within department facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(f) Implementing and carrying out the department Incident Response Plan, including:

1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
4. Providing information on security incidents to any third-party software developers or vendors as appropriate.

(g) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

(h) Developing and updating department information security and privacy literacy training and incident response training as required by policy.

(i) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

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(j) Managing the development, documentation, and dissemination of procedures for the following:

1. Awareness and training
2. Incident response
3. Audit and accountability
4. Access control
5. Identification and authentication
6. Configuration management
7. Media protection
8. Physical and environmental protection
9. System and communications protection
10. System and information integrity
11. Maintenance
12. Security and privacy planning
13. Contingency planning
14. Risk assessment

(k) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

812.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

812.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

812.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

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(a) The account has expired.

(b) The account is no longer associated with a member.

(c) The account is found to be in violation of this policy.

(d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

812.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

(a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.

(b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.

(c) Non-privileged members shall not be allowed to execute privileged functions.

812.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

812.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall be documented.

812.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to

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overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

812.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

(a) Flaw remediation.

(b) System monitoring.

(c) Security alerts, advisories, and directives.

(d) Software, firmware, and information integrity controls.

(e) Spam protection.

812.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

812.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

812.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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Chapter 9 - Custody

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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 Park 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.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

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.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

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 an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Park 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 (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Park City Police Department identification number, and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place their 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 STRIP SEARCHES

No individual in temporary custody at any Park City Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include but are not limited to:

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(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Park City Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Sergeant.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.

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8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Utah Code 77-7-17.5):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including (Utah Code 77-7-17.5):

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1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Sergeant's approval.
4. A copy of the search warrant.
5. The time, date, and location of the search.
6. The medical personnel present.
7. The names, sex, and roles of any department members present.
8. Any contraband or weapons discovered by the search.
9. The procedures followed in performing the search and a description of the body areas searched.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

900.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

900.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

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Prisoner Management

901.1 PURPOSE AND SCOPE

The Park City Police Department does not operate or maintain a jail, nor maintain a facility for holding or the detention of any prisoner. The booking room in the lower level of the police department is for processing arrestees in preparation for transport to a jail, and shall not be used to detain prisoners for extended periods of time.

The following procedures will be followed to further manage prisoners:

(a) Handcuffs will be carried by all officers and shall be used to restrain prisoners. It is also recommended that officers carry an extra set of handcuffs, either in their police vehicle or on their utility belt and have an extra set of keys available.

(b) Only department approved restraint devices will be used by members of the department.

(c) While in the Department, prisoners should be kept in the booking room or in an office secure from other areas of building and always accompanied by an officer

(d) Prisoners shall be kept in restraints while in the offices of the police department or secured to a bench in the booking room unless the restraint of the prisoner would prevent the officer from accomplishing a given task such as booking or questioning, or if some special circumstance exists that prevents the use of retraining devices.

(e) In no case shall a prisoner be left unattended in or out of the Department or in a police vehicle

(f) Arrestees who are to be released on their signature from the Department should be restrained until the officer feels comfortable in releasing the restraints. Upon release, if an arrestee needs to wait for transportation, the waiting should be done in the hall by the reception area or in the vestibule at the front of the building.

(g) Should a prisoner have a physical disability or require special medical equipment, officers should make special vehicle and/or medical arrangements if needed. In cases where a disabled person is arrested, officers should make every effort to insure for the care and comfort for the arrested person.

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Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Park City Police Department Temporary Holding Facilities (28 CFR 115.111).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Park City Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Park City Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Park City Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Park City Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents” or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the shift sergeant any knowledge, suspicion or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Sergeant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Shift Sergeant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Sergeant shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Park City Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the prosecutor's office for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Sergeant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Sergeant or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

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902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Park City Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

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Prisoner Transport

903.1 PURPOSE AND SCOPE

Officers may find themselves transporting prisoners as a part of the duty day after arrest, or may be selected to do so as a part of an extradition procedure. The following officer safety procedures shall be followed during all transports:

(a) All prisoners shall be searched incident to arrest and prior to transport. Officers should never assume someone else has searched a prisoner or a prisoner does not need to be searched. Prisoners will be searched each time they come into an officer's custody including transports.

(b) Officers beginning tours of duty should check their cars to insure weapons or contraband are not present in the car having been left by prior prisoners or which could be accessed by future prisoners.

(c) A lone officer transporting a lone prisoner should place the prisoner in the front passenger seat of the police vehicle, unless the vehicle is equipped with a cage or a rear seat restraining device.

(d) Unless otherwise directed by a supervisor or by a court, prisoners shall be properly restrained with handcuffs, plastic cuffs, a straight jacket, or other restraining device depending on the nature of the transport.

(e) Officers shall insure the vehicle seat belt is placed securely across the prisoner's body and fastened tightly.

(f) If a male officer transports a female prisoner, the dispatcher should be advised of the times of departure and arrival as well as the vehicle mileage at both points.

(g) If an officer transporting a prisoner finds it necessary to respond to an emergency, the duty of the transporting officer is first to the security and safe delivery of the prisoner in his care. Only in situations where risk to third parties is both clear and grave, while risks to the prisoner and public is minimal should the officer stop to render assistance. The officer should radio the incident to the nearest law enforcement dispatcher who can send assistance as necessary. Officers transporting prisoners will not be disciplined for failing to render aid.

903.2 LONG DISTANCE TRANSPORT

Park City officers are seldom involved in the long distance transportation of prisoners, however, should the occasion arise, prisoners traveling long distances should be secured to the maximum, kept in sight by transporting officers at all times, and every effort made to be unobtrusive while in public places with prisoners. In addition to any applicable safety precautions outlined above, long distance transport procedures include:

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(a) The use of a belly chain and shackles should be used for long distance transportation and may be obtained through the department.

(b) If a prisoner needs to be housed overnight during transport, arrangements should be made in advance with the authorities at a convenient jail facility along the way.

(c) Long distance transportation expanding beyond eight hours may necessitate meal service at a place chosen by the transporting officers.

(d) Prisoners will not be allowed to converse or have physical contact with anyone during the period of transport. This includes attorneys, family members, or other prisoners.

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Temporary Custody of Adults

904.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Park City Police Department for processing or testing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

904.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Park City Police Department prior to being released or transported to a housing or other type of facility.

904.2 POLICY

The Park City Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer, or release.

904.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

904.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Park City Police Department, but should be transported to a jail facility, a medical facility, or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision, or medication while in temporary custody.

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(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Involuntary Commitments Policy).

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

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to their health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

904.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Shift Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Sergeant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

904.4.1 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Field Operations Bureau Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members.

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There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that they may have their consular officers notified of the arrest or detention and may communicate with them.
    1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
    1. If the country is on the mandatory notification list, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Tell the individual that this notification has been made and inform them without delay that they may communicate with consular officers.
        (c) Forward any communication from the individual to consular officers without delay.
        (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
    2. If the country is not on the mandatory notification list and the individual requests that their consular officers be notified, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Forward any communication from the individual to their consular officers without delay.

904.5 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Park City Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

904.5.1 PREGNANT ADULTS

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

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904.6 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, their items of personal property shall be compared with the inventory, and they shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Sergeant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding their property. The Shift Sergeant shall attempt to prove or disprove the claim.

904.7 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Field Operations Bureau Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Park City Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Shift Sergeant, Chief of Police and Investigation Bureau Commander.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the County Attorney.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

904.8 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms, and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.

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(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Park City Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.

(h) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

904.9 TRAINING

Training for department members should include initial and annual review, including but not limited to:

(a) A review of this policy and any related procedures.

(b) Appropriate training on procedures related to using processing/testing areas.

(c) In-service training as required by the Department.

904.10 IN-CUSTODY ESCAPE

In the event that a person being transported or otherwise in custody escapes, the officer responsible shall immediately notify his/her supervisor and, as directed by the supervisor, take the steps necessary to regain custody of the individual. Such steps may include:

(a) Calling for backup to assist in establishing a perimeter and initiating a search

(b) calling for canine assistance as needed

(c) Calling for air support as needed

Any escape that occurs, even if temporary, shall be documented appropriately in a report.

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Chapter 10 - Personnel

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PHYSICAL FITNESS

1000.1 PURPOSE

The purpose of this policy is to establish minimum job related and validated physical fitness standards for all sworn police officers regardless of rank or duty assignment. This policy has several purposes that include:

A. To ensure the safe and effective performance of the essential job functions of sworn officers as identified in department job descriptions.

B. To establish physical fitness standards that benefit the individual sworn officer.

C. To provide confidence that back-up support for fellow officers and others who depend on a sworn officer is performed safely and effectively.

D. To provide the expected protection of the citizens of the community.

1000.2 POLICY

The work performed by police officers requires a level of physical fitness. The performance of the most critical, essential job functions may be infrequent, but the consequences of non-performance or improper performance can be staggering. The ability of each officer to perform those functions is affected by exercise, diet, tobacco usage, substance abuse, stress management, and weight control. To help officers maintain the level of fitness necessary to safely and effectively perform the essential functions of a police officer, it will be the policy of this department to provide a total fitness program. This policy shall be interpreted in accordance with the Park City Municipal Employee Handbook.

1000.3 DEFINITIONS AND REQUIREMENTS

A. Fitness program – For the purposes of this policy, the fitness program will consist of training for coordinators and test administrators, screening for safe participation, assessments and reassessments, goal setting, and ongoing total fitness education.

B. Total fitness - The result, in terms of performance and health, or lifestyle choices in the areas of exercise, diet and nutrition, tobacco usage, substance abuse prevention, stress management, and weight control.

C. Fitness coordinator - Individual(s) certified or specifically trained in fitness training and designated as a fitness coordinator for the department, as discussed below. The individual is normally a sworn officer of the department, but may be a city employee in another department, or a person contracted to perform the service. Fitness Coordinators cannot be on physical fitness probation in order to administer the physical fitness test.

D. Fitness assessment - The combination of all four tests given in a single day or the Job Task Simulation Test (JTST) with one scenario given in a single day and in accordance with the established testing procedures, protocols, and outcomes.

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E. Mandatory testing cycle – The period of time during each spring and fall of the fiscal year, during which police administration requires physical fitness testing of all sworn officers. The mandatory testing cycle begins with an initial test assessment and fitness assessment re-tests.

F. Fitness assessment year – A one-year period beginning on the date of the first mandatory fitness assessment.

G. Reinstatement fitness assessment – Any officer returning to sworn duty after having been on long-term military deployment, long-term non-medical leave or being reemployed.

1000.4 VALIDATED TEST STANDARDS

The following test standards and the Job Task Simulation Test (JTST) have been scientifically validated as job related by Thomas & Means and Associates through a study conducted for URMA in 1998 and 1999. There are four physical fitness tests that will be given in one day as a battery of tests described below and in the order shown:

A. 1.5 Mile Run. This measures aerobic power of cardiovascular endurance (the ability to sustain exertion over time.) The test consists of running/walking as fast as possible the distance of 1.5 miles.

- **Alternative:** A 2,000 meter row on a Concept 2 rower, based on a validated study by Lubbock PD. The passing score is determined by the 50th percentile, based on the calculation provided by Concept 2.

B. Minimum Pushup. This measures the muscular endurance of the upper body. The test consists of doing as many pushups as possible, from the front lean and rest position with no time limit.

C. One Minute Sit-up. This measures the abdominal or trunk muscular endurance. The test consists of lying on the ground and doing as many bent leg sit-ups as possible in one minute.

- The alternative to the sit-up event is the one-minute and thirty second isometric plank, which measures the muscular endurance of the abdominal muscles, an important area for many physical tasks and injury prevention

D. Vertical Jump. This measures leg power. The test consists of jumping beside a wall or other measuring device and marking how high the member can jump from a standing position.

Each test is scored separately, and members must meet the standard on each and every test. The tests are all given in the same day, during the same fitness assessment. Failure to meet the standard of any test is a failure of the fitness assessment and requires that the officer retake the fitness assessment in accordance with subsection 1000.7. The standards are as follows:

Test Standard

1.5 Mile Run 15 minutes, 54 seconds

Or 2,000 meter row time calculated by Concept 2 calculation

Minimum Pushup 25

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One Minute Sit-up 35

Or Isometric Plank 1 minute, 30 seconds

Vertical Jump 16 inches

JTST Scenario Standard
Foot Pursuit and Arrest 4 minutes and 25 seconds

See attachment: PCPD Updated URMA Physical Readiness Test Manual 11.5.24.pdf

1000.5 PROGRAM COMPONENTS

A. Fitness Components. This department may provide assistance for officers participating in the physical fitness program. A component of this assistance will be fitness coordinators trained in the application of the principles of fitness. This department will strive to maintain a ratio of one trained fitness coordinator per 15 employees. Fitness coordinators will be trained by one of the following: FitForce, the Cooper Institute of Aerobic Research, the American College of Sports Medicine, the Federal Bureau of Investigation National Academy, the National Strength and Conditioning Association, the URMA Physical Fitness Coordinator Class, or other agencies with similar qualifications approved by the Training Coordinator. Contract fitness assistants should meet similar standard criteria. Fitness coordinators will also be trained in the proper use of City owned physical fitness equipment and will train department officers in the proper use of this equipment.

B. Fitness Assessment and reassessment. This department views the fitness assessment of whether an officer has the fitness necessary to perform essential officer job functions as a measure of the fitness program's effectiveness rather than a punitive or culling out process. The fitness coordinators will administer the assessments and use the results to design individual programs for participants. This department will administer mandatory assessments twice each calendar year, normally in the spring and fall of each year.

C. Goal setting. People are more likely to adhere to a program when effective goal setting principles are employed. Fitness coordinators may assist participants in establishing realistic, yet challenging goals to enable them to achieve and maintain the level of fitness necessary to perform the essential functions of the job.

D. Monitoring. In addition to assessments, goal setting, and exercise prescription, fitness coordinators may provide assistance to officers and monitor each officer's progress. Officers needing motivation or additional guidance may contact a fitness coordinator to obtain that help.

1000.6 ASSESSMENT PROGRAM

A. In the spring and fall of each fiscal year, all sworn police officers shall participate in both and pass one fitness assessment. The Training Coordinator will publish a schedule no later than one month prior to the beginning of the test. Officers subject to reinstatement testing will be tested prior to reinstatement.

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B. Testing will be conducted by certified fitness testing administrators and may be aided by qualified personnel from a qualified wellness provider.

C. Testing Procedures:

1. Four battery test: The physical fitness assessment requires participation in each of the four fundamental tests, regardless of performance, as described and in the order shown in subsection 1000.4 above. This test will be taken in appropriate gym clothing consisting of conservative and modest shorts or sweat/yoga type pants, t-shirt, sweatshirt, or exercise top and closed toe footwear.

2. Job Task Simulated Test: The physical fitness assessment requires participation, regardless of performance, as described in subsection 1000.4 above. The JTST will only be offered after the officer fails the initial four battery test and is placed on physical fitness probation. This test will be taken in duty footwear, a duty-style pant, a duty-style shirt, body armor, and a fully-equipped duty belt.

D. Officers must pass all the tests in the four-battery test or the JTST on the same day and in accordance with the established testing procedures, protocols, and outcomes in order to pass the fitness assessment.

E. The fitness assessment results for each officer will be maintained by the Training Coordinator for evaluation. All officers may have a copy of their entire assessment on request.

F. Quarterly performance evaluations will include a comment concerning the officer's level of fitness. At a minimum, the supervisor will reference whether the officer met this department's standards & expectations identified by the job description and any applicable situation during the rating period in which fitness or lack thereof apparently affected the officer's ability to safely and effectively perform any essential job function.

G. Any officer who believes that they need a reasonable accommodation should contact their immediate supervisor, department manager, or the HR Department in accordance with Park City Policy 1.7 Accommodations.

1000.7 COMPLIANCE REQUIREMENTS

A. First test – Officers are required to successfully pass at least one of the Department's two mandatory scheduled annual physical fitness assessments (Spring or Fall) within a 12-month period. An officer who fails to pass in a 12 month period will be placed on Physical Fitness Probation in accordance with Section 1000.7(B).

B. Second test - An officer placed on Physical Fitness Probation will be scheduled for a reassessment 60 calendar days following the failed assessment. The officer may voluntarily elect to retake the assessment prior to the 60-day deadline. For the reassessment, the officer may choose either the Department's four-battery fitness assessment or the JTST. While on Physical Fitness Probation, personnel actions may be taken, including exclusion from consideration for promotion or participation in a promotional process, as well as testing for or selection to a specialty assignment.

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C. Third test – While remaining on Physical Fitness Probation, the third test must be completed within 30 calendar days. An officer may voluntarily retake the fitness assessment sooner than 30 days. The officer may choose to take the four battery test or the JTST. Personnel action may be taken to include exclusion from consideration for promotion and testing for a specialty assignment.

D. Fourth test - The officer will be scheduled for an assessment retest 30 calendar days after the failure. The officer may voluntarily retake the fitness assessment sooner than 30 days.. The officer may choose to take the four battery test or the JTST. Failure to successfully complete the fourth test within 30 calendar days will subject the officer to disciplinary action up to and including termination from employment in accordance with the Park City Police Department Policies and the Park City Municipal Employee Handbook.

1000.8 SUPERIOR PHYSICAL FITNESS AWARD

A. To achieve Park City Police Department's Superior Physical Fitness Award, the officer must meet the following standards:

TEST	SUPERIOR STANDARD
1.5 Mile Run	12 minutes, 24 seconds
Minimum Pushups	34
One minute Sit-ups	39
Or Isometric Plank	2 minutes
Vertical Jump	21 inches
Row	70th Percentile

B. Officers who meet or exceed the standards will have their name added to the Superior Fitness Plaque and will receive a Superior Fitness Ribbon. The Ribbon can be worn on the officer's uniform for the year(s) during which it is earned.

1000.9 TEST PREPARATION

1.5 MILE RUN

To prepare for this test, you need to gradually increase your running endurance. The schedule below is a proven progressive routine. If you can advance the schedule on a weekly basis, then proceed to the next level. If you can do the distance in less time, then do so.

Week	Activity	Distance	Time	Frequency
1	Walk	1 Mile	17-20 Minutes	5 times/week
2	Walk	1.5 Mile	25-29 Minutes	5 times/week
3	Walk	2 Mile	32-35 Minutes	5 times/week
4	Walk	2 Mile	28-30 Minutes	5 times/week
5	Walk/Jog	2 Mile	27 Minutes	5 times/week
6	Walk/Jog	2 Mile	26 Minutes	5 times/week
7	Walk/Jog	2 Mile	25 Minutes	5 times/week

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8	Walk/Jog	2 Mile	24 Minutes	5 times/week
9	Jog	2 Mile	23 Minutes	4 Times/week
10	Jog	2 mile	22 Minutes	4 Times/week
11	Jog	2 Mile	21 Minutes	4 Times/week
12	Jog	2 Mile	20 Minutes	4 Times/week

MINIMUM PUSHUPS AND ONE-MINUTE SIT UP

To prepare for these tests follow this routine. The first step is to see how many maximum pushups you can do and how many sit-ups you can do in one minute. That will become your initial training repetition dose or ITRD.

Week	Sets	Repetitions	Frequency
1	1	ITRD	3 times/week
2	2	ITRD divided in half	3 times/week
3	3	ITRD divided in half	3 times/week
4	3	ITRD divided in half plus 2	3 times/week
5	3	ITRD divided in half plus 4	3 times/week
6	3	ITRD divided in half plus 6	3 times/week
7	3	ITRD divided in half plus 8	3 times/week
8	3	ITRD divided in half plus 10	3 times/week

VERTICAL JUMP

To prepare for this test you will need to do plyometric training. There are two plyometric exercises: double leg vertical jump and single leg vertical jump. Perform each exercise with three sets of ten repetitions, three days a week. Do the repetitions ballistically without stopping. Rest three minutes between each set of each exercise.

Exercise	Sets	Repetitions	Rest	Frequency
Double leg vertical jump	3	10	3 Minutes	3 Times/week
One leg vertical jump	3	10	3 Minutes	3 Times/week

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Recruitment and Selection

1001.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Park City Police Department and that are promulgated and maintained by the Department of Human Resources.

1001.2 POLICY

In accordance with applicable federal, state, and local law, the Park City Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1001.3 RECRUITMENT

The Administration Bureau Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administration Bureau Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1001.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Personal and professional reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

(k) Relevant national and state decertification records, if available

1001.4.1 VETERAN AND SERVICE MEMBER PREFERENCE

The Department will provide preference eligibility for veterans and service member applicants as required by Utah Code 71A-2-102.

1001.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Park City Police Department (Utah Code 53-14-102).

In addition to the requirements of Utah Code 53-14-103, the background investigation shall include but not be limited to the following:

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(a) Verification of qualifying credentials

(b) Criminal history report

(c) Verification of personal and professional references

(d) Education verification

(e) Employment history verification

(f) A review of relevant national or state decertification records, including the National Decertification Index operated by the International Association of Directors of Law Enforcement Standards and Training (IADLEST)

(g) Consistent with the First Amendment and all applicable laws, a check of publicly available internet and information-sharing sites to identify activity that promotes or supports unlawful violence or unlawful bias against persons based on race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or disability

1001.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1001.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Bureau Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Utah Code 34-48-201).

The Administration Bureau Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1001.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

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1001.5.4 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1001.6 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1001.7 EMPLOYMENT STANDARDS
All candidates shall meet the minimum standards required by state law (Utah Code 53-6-203; Utah Code 53-6-302). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1001.7.1 STANDARDS FOR OFFICERS
Candidates shall meet the minimum standards established by the Utah Peace Officer Standards and Training (POST) Council (Utah Code 53-6-203):

(a) Citizen of the United States, United States national, or lawful permanent resident who has legal authorization to work in the United States and has been in the United States legally for at least five years immediately preceding the day on which the application is made

(b) At least 21 years old

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(c) High school graduate or possess an equivalent achievement

(d) Not have been convicted of a crime for which the candidate could be punished by imprisonment

(e) Demonstrate good moral character as determined through a background investigation. A candidate shall be considered to be of good moral character if they have not engaged in conduct that would violate Utah Code 53-6-211(1)

(f) Be free of any physical, emotional, or mental condition that might adversely affect the performance of the candidate's duties as a peace officer

(g) Criminal background check of local, state, and national criminal history files

(h) Not prohibited from possessing a firearm under state or federal law

(i) Meet all other standards required by POST

Before hiring a candidate who is working, or has previously worked, for another law enforcement agency, the Administration Bureau Commander shall comply with the verification and background check requirements of Utah Code 53-14-102.

In addition to the standards established by POST, the Department may establish additional standards concerning peace officer candidates (Utah Code 53-6-207).

1001.7.2 STANDARDS FOR DISPATCHERS

Candidates shall meet the following minimum standards (Utah Code 53-6-302):

(a) Citizen of the United States, United States national, or lawful permanent resident who has legal authorization to work in the United States and has been in the United States legally for at least five years immediately preceding the day on which the application is made

(b) At least 18 years old

(c) High school graduate or possess an equivalent achievement

(d) Not have been convicted of a crime for which the candidate could be punished by imprisonment

(e) Demonstrate good moral character as determined through a background investigation. A candidate shall be considered to be of good moral character if he/she has not engaged in conduct that would violate Utah Code 53-6-309(1)

(f) Be free of any physical, emotional, or mental condition that might adversely affect the performance of the candidate's duties as a dispatcher

(g) Criminal background check of local, state, and national criminal history files

(h) Meet all other standards required by POST

In addition to the standards established by POST, the Department may establish additional standards concerning dispatcher candidates (Utah Code 53-6-305).

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1001.8 PROBATIONARY PERIODS

The Administration Bureau Commander should coordinate with the Park City Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Evaluation of Employees

1002.1 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.

1002.2 POLICY

The Park 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.

1002.3 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 attend an approved supervisory course that includes training 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 provide supervisors and employees with opportunities to correct performance issues as they arise.

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.

1002.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered in the Reserve Officers Policy.

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1002.4 FULL-TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for six months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for Twelve months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed quarterly 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.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than halfway through the current evaluation period since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard, and when follow-up action is planned (action plan, remedial training, retraining). The Performance Evaluation Form and the attached documentation shall be submitted as one package.

1002.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a checkmark in the column that best describes the employee's performance. The definition of each rating category is as follows:

1. Unsatisfactory
   Unable to complete the necessities of the role. May need to separate employment.

2. Needs Support
   Work is inconsistent. Missed deadlines. Or is brand new within the role and is ramping up to full potential. May require additional training or support.

3. Meets All Expectations
   Reliably produces quality work. Regularly meets all deadlines and is an asset to the team. Is exactly what is described in the job description.

4. Exceeds Expectations
   Continually takes initiative. Demonstrates strong comprehension of projects. Displays leadership qualities. Is consistently an expert within the role.

5. Sensational

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Consistently develops innovative solutions to problems/processes. Is a significant contributor to the team. May have outgrown the role as is and is ready for promotion or enhanced responsibilities.

1002.6 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.

1002.7 EVALUATION REVIEW

After the rater finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's immediate supervisor. The rater's supervisor shall review the evaluation for fairness, impartiality, uniformity, and consistency. The rater's supervisor shall evaluate the rater on the quality of ratings given.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

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Special Assignments and Promotions

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Park City Police Department, as well as the process by which they will be administered.

Promotional responsibilites are shared between the Department and the City Human Resources Department. The Department will adhere to the Park City Municpal Employee Polices and Procedures manual, Promotionary Appointment and Promotions sections.

1003.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

(a) Present a professional, neat appearance.

(b) Maintain a good physical condition which aids in their performance of the essential job functions.

(c) Demonstrate the following traits:

1. Emotional stability and maturity.
2. Stress tolerance
3. Sound judgment and decision-making.
4. Personal integrity and ethical conduct.
5. Leadership
6. Initiative
7. Adaptability and flexibility.
8. Ability to conform to organizational goals and objectives in a positive manner.

1003.2 SPECIAL ASSIGNMENTS AND TRANSFERS

The following positions are considered special assignments or transfers and are not considered promotions:

(a) Special Enforcement Team member.

(b) Detective.

(c) Motor Officer.

(d) Accident Investigator.

(e) Field Training Officer.

(f) Training Officer.

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(g) Bike Team Officer.

(h) School Resource Officer.

(i) Community Outreach Officer.

(j) CVSA Inspector.

1003.2.1 DESIRABLE QUALIFICATIONS
The following qualifications apply to consideration for special assignments or transfer:

(a) At least one year of experience with the Department.

(b) Off probation.

(c) Has shown an expressed interest in the position applied for.

(d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations.

(e) Completed any training required by POST or law.

1003.3 SELECTION PROCESS

The selection process for transfers or special assignments may or may not include an interview process, based on the number of members applying for the transfer. In addition to or in place of an interview, the following criteria may apply to transfers:

(a) 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.

(b) The supervisor recommendations will be submitted to the Section Commander for whom the candidate will work. The Section Commander will schedule interviews with each candidate.

(c) Based on supervisor recommendations and those of the Section Commander after the interview, the Section Commander will submit a recommendation(s) to the Chief of Police.

(d) Appointment by the Chief of Police.

This policy for all positions may be waived for temporary assignments, emergency situations or for training.

1003.4 PROMOTIONAL PROCEDURES

It is the policy of the department to create an announcement for all promotional opportunities within the department and provide notice to all members of the department by posting the announcement in a conspicuous place in the department and to notify each employee via the department email system.

The promotion announcement will contain the following;

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(a) Identification and description of the position to be filled

(b) A schedule of dates, times and locations of all elements of the process

(c) Qualifications and eligibility requirements for the position

(d) Information concerning the testing, evaluation and selection processes. The evaluation and selection of personnel for department promotions will be conducted in a fair manner allowing candidates an equal opportunity to compete in the process. Candidates' performance evaluations, written testing results, oral interviews, job skills, and tenure with the department will be considered in the process.

It is the goal of the department to promote from within the organization, however, candidates from outside the organization may be considered for any position to meet organization needs. As with any personnel decision, the final decision as to promotion rests with the Chief of Police and City Manager. Promotions shall be made by the City Manager.

1003.5 POLICY

The Park City Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1003.6 SPECIAL ASSIGNMENT AND PROMOTIONAL OPPORTUNITIES

Special assignment and promotional opportunities that are opened for general application shall be advertised by written department-wide announcement, and all qualified members will be allowed to apply and compete for positions.

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Grievances

1004.1 PURPOSE AND SCOPE

It is the policy of the Department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance. The Department's philosophy is to promote open lines of communication between employees and supervisors.

1004.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment, or the dispute involving the interpretation or application of any of the following documents by the person affected:

- The employee Collective Bargaining Agreement (CBA)
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individually affected employee or by a group representative.

Specifically outside the category of grievance are:

- Complaints related to allegations of discrimination or harassment are subject to the Discriminatory Harassment Policy.
- Personnel complaints consisting of any allegation of misconduct or improper job performance against any Department employee that, if true, would constitute a violation of any Department policy, federal, state, or local law as set forth in the Personnel Complaint Procedure Policy.

1004.2 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process. The Chief of Police or the authorized designee is responsible for coordinating the grievance process.

Except as otherwise required under a collective bargaining agreement, if an employee believes that they have a grievance as defined above, that employee shall:

(a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the appropriate Bureau Commander.

(c) If a successful resolution is not found with the Bureau Commander, the employee may request a meeting with the Chief of Police.

(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall proceed as follows:

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1. Submit a written statement of the grievance to the Chief of Police and provide a copy to the employee's immediate supervisor. Include the following information in the written statement:
    (a) The basis for the grievance (i.e., the facts of the case).
    (b) The allegation of any specific wrongful act and the harm done.
        1. The allegation should include time and date of occurrence.
    (c) The specific policies, rules, or regulations at issue.
    (d) The remedy or goal being sought by the grievance.

(e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.

(f) The Chief of Police and the City Manager should review the grievance and respond to the employee within 14 calendar days.
    1. The response will be in writing, and will affirm or deny the allegations.
    2. The response shall include any remedies, if appropriate.
    3. The decision of the City Manager is considered final.

1004.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1004.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager’s office to monitor the grievance process.

1004.5 GRIEVANCE AUDITS

The Training Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Sergeant shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this Policy Manual, the Training Sergeant should promptly notify the Chief of Police.

1004.6 POLICY

It is the policy of the Park City Police Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

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Anti-Retaliation

1005.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members (Utah Code 53-6-210.5).

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause (Utah Code 53-6-210.5).

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement.

1005.2 POLICY

The Park City Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1005.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1005.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resource Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1005.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1005.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1005.7 WHISTLE-BLOWING

The Utah Protection of Public Employees Act protects an employee who (Utah Code 67-21-1 et seq.):

(a) Communicates in good faith the waste or misuse of public funds, property, or manpower.

(b) Communicates in good faith a suspected violation of a state or federal law, rule, or regulation.

(c) Objects to or refuses to carry out a directive that the member reasonably believes violates state or federal law.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

1005.7.1 NOTICE OF EMPLOYEE PROTECTIONS AND OBLIGATIONS

The Department shall post a notice and use appropriate means to keep employees informed of their protections and obligations under the Utah Protection of Public Employees Act. The Department shall provide the employee with a copy of the Act (Utah Code 67-21-9):

(a) When the employee is hired.

(b) Upon a request by the employee.

(c) When the employee files a grievance under the Utah Protection of Public Employees Act.

1005.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1005.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Arrests, Convictions, and Court Orders

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Park City Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1006.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and state law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Utah Code 76-11-301 et seq.).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

Any person applying for or holding a concealed firearm permit and who is convicted of any offense involving domestic violence may have the permit refused, revoked, or suspended (Utah Code 53-5a-303(2)(a)(vi)).

1006.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Utah Code 53-6-203 prohibits any person convicted of a felony from being a peace officer in the State of Utah. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1006.4 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their immediate supervisor (retired officers should immediately notify the Shift Sergeant or the Chief of Police) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Sergeant

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or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on their own time and at their own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1006.5 POLICY

The Park City Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

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Drug- and Alcohol-Free Workplace

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

Refer to the City's Employee Policy and Procedure Manual section 5.11 Use of Drugs and Alcohol.

1007.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1007.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1007.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

1007.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1007.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1007.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1007.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any drug or prescribed medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

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Sick Leave

1008.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement or any memorandum of understanding.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.).

1008.2 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1008.3 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

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Communicable Diseases

1009.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1009.1.1 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 Park City Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1009.2 POLICY

The Park 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.

1009.3 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 26B-7-217). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1009.4 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):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1010.1 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 Park 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.

1010.2 POLICY

The Park 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, buildings, and vehicles, and as is further outlined in this policy (Utah Code 26B-7-503).

1010.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Park 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.

1010.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of any entranceway, 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 R392-510-8).

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Personnel Complaints

1011.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Park 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.

1011.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any Department employee that, if true, would constitute a violation of any Department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a Department supervisor and shall not be considered complaints.

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a Department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a Complaint Against Police Conduct form. The responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or when a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor of rank greater than the accused employee or referred to the Office of Professional Standards, 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 Office of Professional Standards, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1011.1.2 DEFINITIONS

Office of Professional Standards (OPS) - The designated employee(s) or unit with primary responsibility for conducting investigations of employee misconduct allegations. The Administration Bureau Lieutenant shall act as the designated employee for purposes of this policy.

Complaint Against Police Employee Conduct Package - Printed material containing information on the complaint procedure used by this department outlining the actions the complainant can expect in response to their complaint and a Witness Statement to be filled out by the complainant.

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Summary Action - Disciplinary action taken by an employee's supervisor or manager for lesser violations of agency rules, policies or procedures. Summary actions are the lowest level of disciplinary action generally handled by first line supervisors.

1011.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

Any individual or employee who wishes to file a complaint against a member of the department may do so.

Complaints may be received by supervisory members of this department either in person, over the phone or in writing, and may be lodged anonymously or by any other means.

Employees shall provide assistance to those who express the desire to lodge complaints against any employee(s) of this department. This includes but is not limited to:

(a) Calling a supervisor to the scene to document the complaint,

(b) Explaining the department's complaint procedures,

(c) Providing referrals to individuals and/or locations where such complaints can be made in person or,

(d) Explaining alternative means for lodging complaints, such as by phone, fax or mail.

(e) The Complaint Against Police Employee Conduct or Procedures shall be completed by the supervisor receiving the complaint for either an external or internal complaint.

The subject employee will be notified of a complaint being filed in a timely manner to prevent, whenever possible, "word of mouth" or "rumor" becoming the manner by which an employee becomes aware of a complaint.

1011.2.1 AVAILABILITY OF COMPLAINT INFORMATION

Complaint Against Police information shall be made available to the public through police personnel and at designated public facilities and online.

1011.2.2 SOURCE OF COMPLAINTS

(a) A Department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

1011.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person so the person can be given the opportunity to provide a Statement of Complaint. The following should be considered before taking a complaint:

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(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Shift Sergeant determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of any Department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained, and the person should be provided with a Complaint Against Police Packet to be returned to the supervisor at a later date.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present, and after the parents or guardians have been informed of the circumstances prompting the complaint.

1011.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a Complaint Against Police Employee Conduct or Procedure form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints.

When a complaint statement form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of the original complaint.

1011.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The Chief of Police or any supervisor who is aware of circumstances where an officer's certification as a peace officer may be subject to suspension or revocation by Utah Peace Officer Standards and Training (POST), based on a violation or condition described in Utah Code § 53-6-211(1), has an affirmative responsibility to investigate the matter and report to POST, if the allegation is found to be true (Utah Code § 53-6-211(6)).

In general, the primary responsibility for the intake investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor further investigate, and shall so direct whenever the the alleged misconduct occurred during the immediate supervisor's shift. The supervisor shall be responsible for the following:

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(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Shift Sergeant, commanding officer and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a Complaint Against Police Employee Conduct or Procedures form has been completed as fully as possible. The original complaint form will then be directed to the commanding officer of the accused employee, via the chain of command, who will take appropriate action or, if appropriate, forward the complaint to the Office of Professional Standards for further action.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.

2. Photographs of alleged injuries, as well as accessible areas of non-injury, should be taken once immediate medical attention has been provided.

3. 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 employee's Bureau Commander or the Chief of Police who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Section Captain and/or the Chief of Police for direction regarding each of their roles in investigation and/or addressing the complaint.

1011.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, the Section Captain may assign the accused employee to administrative leave pending completion of the investigation or the filing of administrative charges. For more than one (1) day of administrative leave, the Chief or designee shall contact the Human Resources Department and/or the City Manager for approval.

1011.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Department identification, assigned weapon(s) and any other Department equipment.

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(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the duration of the investigation. The employee may be required to remain available for contact at all times during such shift, and shall report as ordered.

(e) It shall be the responsibility of the Section Captain to promptly notify the Chief of Police.

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

1011.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of the Department is accused of potential criminal conduct, a separate supervisor or detective 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 or designee shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian. The employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, regardless of whether there has been a conviction. However, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report. In accordance with this policy, an independent administrative investigation shall be conducted based upon the allegations in the report.

1011.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Office of Professional Standards, the following procedures shall be followed with regard to the accused employee(s).

(a) Interviews of accused employees shall be conducted during reasonable hours. If the employee is off-duty, the employee shall be compensated.

(b) No more than two interviewers may ask questions of an accused employee at one time.

(c) Prior to any interview, an employee shall be informed of the nature of the investigation.

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(d) All interviews shall be for a reasonable period. The employee's personal needs shall be accommodated.

(e) No employee shall 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 or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.

(f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview if the employee notifies the interviewer. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.

(g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights. This admonishment shall be given administratively, regardless of whether the employee was advised of these rights during any separate criminal investigation.

(h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(i) All employees shall provide complete and truthful responses to questions posed during interviews.

(j) 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.

1011.6.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties, or if the employee is assigned to or being considered for a special assignment with a potential for bribes.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other Department-assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor in the presence of an uninvolved witness, for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

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1011.6.2 ADMINISTRATIVE INVESTIGATION FORMAT
Investigations of personnel complaints shall be detailed, complete and essentially follow this format.

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee 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 (recordings, photos, documents) should be attached to the report.

1011.7 DISPOSITION OF PERSONNEL COMPLAINTS
Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) or incident did not occur or did not involve Department personnel, or that the complaint was determined to be without merit.

Exonerated - When the investigation discloses that the alleged act or incident occurred, but that the employee's actions were justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act or incident occurred and that it constituted misconduct by the employee.

Policy Failure - When the allegation is true, but the employee was acting in a manner consistent with agency policy and procedures, which requires a revision to the applicable policy as written.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1011.8 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within

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a reasonable period following receipt of the complaint. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

Upon completion, the report should be forwarded through the chain of command to the Captain of the involved employee(s).

Once received, the Captain may propose acceptance or modification of the classification and recommendation for disciplinary action.

Within 30 days of the review by the Captain, a Letter of Proposed Disposition shall be sent to the complaining party. This notice shall indicate the findings. It will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint.

Any complaining party who is not satisfied with the proposed complaint of the Department concerning their complaint may request a review of the proposed complaint disposition in accordance with the Police Complaint Review Committee policies and procedures.

If no request for review is made, the Chief of Police may accept or modify the classification and recommendation for disciplinary action.

1011.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential and protected peace officer personnel files. The contents of such files shall not be revealed except pursuant to GRAMA.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation, and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

All formal personnel complaints shall be maintained for a period of no less than three years. All non-citizen (e.g., those that originate internally) initiated complaints shall be maintained no less than three years.

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Office of Professional Standards apart from the employee's personnel file.

1011.9 POLICE COMPLAINT REVIEW COMMITTEE

The Chief of Police or his designee shall act as the liaison to the Park City Police Complaint Review Committee which has been established by Resolution of the City Council to act in the capacity of an advisory body which will review proposed complaint dispositions of complaints filed against police personnel and/or police procedures if formally requested.

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The Chief of Police or his designee shall comply with the requirements outlined in the Park City Police Complaint Review Committee Policies and Procedures. Police officers or police personnel are ineligible for appointment to fill a citizen member position on the Committee. The Park City Police Complaint Review Committee is not a grievance system for police department personnel and shall not hear personnel matters involving department disciplinary issues.

1011.10 POLICY

The Park 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.

1011.11 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.

1011.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1011.13 POST-DISCIPLINE APPEAL RIGHTS

An employee discharged, transferred to another position with less pay, or suspended without pay for more than two days may, within 10 days from the issuance by the Chief of Police of the order of discharge, transfer, or suspension, appeal to an appeal board or a hearing officer if one has been established. However, if the Department has established an internal grievance procedure, the employee must exhaust all available grievance remedies before making such an appeal (Utah Code 10-3-1106).

The employee may appear in person and may have counsel and a public hearing. The findings and decision of the appeal board or hearing officer shall be final.

Any final action or order of the appeal board or hearing officer may be appealed to the Court of Appeals within 30 days of the issuance of the final action or order of the appeal board or hearing officer.

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1011.14 NOTICE OF SUSTAINED MISCONDUCT INVOLVING BRADY MATERIAL

If an allegation of misconduct involving *Brady* material is sustained, the Chief of Police or the authorized designee shall report the findings of the investigation to the county attorney or Utah Attorney General as applicable (Utah Code 53-25-1003).

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Seat Belts

1012.1 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.

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1012.1.1 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).

1012.2 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.

1012.3 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.

1012.4 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.

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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.

1012.5 POLICY

It is the policy of the Park City Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1012.6 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.

1012.7 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.

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Body Armor

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 POLICY

It is the policy of the Park 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.

1013.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Park City Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor 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.

1013.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required in accordance with manufacturer guidelines and subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) 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.

(d) Body armor shall be worn when an officer is working in uniform or taking part in department range training.

(e) An officer may be excused from wearing body armor when they are involved in undercover or plainclothes work that their 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.

1013.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1013.3.3 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.

1013.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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Personnel Records

1014.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1014.2 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1014.3 BUREAU FILE

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

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1014.4 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1014.5 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Utah (Utah Code 63G-2-302 et seq.).

1014.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Office of Professional Standards in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Office of Professional Standards supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1014.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

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(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor’s slips and attendance records that reveal a member’s medical condition.

(e) Any other documents or materials that reveal the member’s medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1014.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, County Attorney or other attorneys or representatives of the City in connection with official business.

1014.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Records Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member’s personnel records shall be logged in the corresponding file.

1014.8.2 RELEASE OF PERSONNEL INFORMATION

Information such as the member's medical information, or the home address, telephone number, and Social Security number of the member or of the member's family, that is contained in a personnel record is confidential and may not be released (Utah Code 63A-19-408; Utah Code 63G-2-302; Utah Code 63G-2-304).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

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Request for Change of Assignment

1015.1 PURPOSE AND SCOPE

It is the policy of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1015.1.1 CHANGE OF ASSIGNMENT REQUEST

Changes of assignment are done through a selection process when a position becomes open or available. The Chief of Police may consider a change of assignment from an employee based on the circumstances surrounding the request and/or hardship presented showing the need of a change of assignment. Changes of assignment are at the sole discretion of the Chief of Police.

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Commendations and Awards

1016.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

Purpose: to publicly recognize and reward employees for excellence in the performance of their assigned duties.

Scope: awards are presented for acts which rise above and beyond those normally expected and which distinguish the individual from others performing similar actions. All employees of the department are eligible to receive these awards if individual award criteria are met.

1016.2 AWARD NOMINATION PROCEDURE

Eligibility ," Any sworn or non-sworn member of the department is eligible for an award. A written commendation may be made by any employee to the supervisor of the employee subject to commendation. Commendations may also come from any citizen, any City employee, or any employee of another agency. The recipient should be nominated for the highest award for which he or she is eligible. Only one award will be presented for each event with the exception of the Purple Heart.

Nomination Process ," A nomination can come from any internal or external source. However, if a supervisor becomes aware of an action that would make an individual eligible for any award, that supervisor shall submit a nomination form to the Awards Committee detailing the event. All other nomination forms will be submitted to the shift supervisor, who becomes responsible for forwarding the information to the Awards Committee Chairperson. The Awards Committee Chairperson will then distribute via email the nomination form to committee members for review.

Awards Committee ," The Awards Committee shall determine who receives awards with the exception of the Departmental Award of Merit which is award by the Chief of Police. Committee members will evaluate each nomination within seven days and return their findings to the Chairperson. The Chairperson will then submit award recommendations to the Chief for final approval. The Committee will consist of:

(a) Awards Committee Coordinator (sworn).

(b) Administrative representative (sworn).

(c) Line Officer (sworn).

(d) Department representative (non-sworn)

(e) Representative from the community.

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1016.3 COMMENDABLE ACTIONS

Employee Service Awards: A meritorious or commendable act by an employee of the Department may include, but is not limited to, the following:

Medal of Honor ," Awarded to a member who gives their life in service to the community, or performs an act or acts of exceptional bravery or heroism. The act or acts shall be of an extraordinary nature, beyond the call of duty, and shall demonstrate unselfishness and courage in the face of immediate risk of death or serious physical injury.

Medal of Valor ," Awarded to a member who, judiciously and in the line of duty, performs an act of gallantry and valor above and beyond the call of duty at obvious self-peril and with knowledge of the inherent risk.

Distinguished Service ," Awarded to a member who, with knowledge of the hazards involved, performs an act of outstanding bravery above and beyond the call of duty, where physical safety has been exposed to imminent danger in order to save the life of another.

Purple Heart ," Awarded to a member who, in the line of duty, receives a significant injury. This award is primarily intended to recognize officers who are intentionally injured by a deliberate action of another, but non-intentional injuries such as fires, explosions, collisions, etc., may be considered a valid justification.

Police Combat Cross ," Awarded to a police officers who, effectively and intelligently, perform an act of exceptional fearlessness while engaged in personal combat with an armed adversary under circumstances of imminent threat to personal safety and/or the safety of another.

Life Saving ," Awarded to a member who, in the line of duty performs an act which, through disregard of personal safety or prompt and alert action, results in the saving of a life.

Chief's Award of Merit ," Awarded to a member who, in the opinion of the Chief of Police, has rendered a commendable police or community service that brings credit to the department.

Exceptional Service ," Awarded to a member who performs an act or a series of acts over a period of time which demonstrates an exceptional level of professionalism. They may include but not limited to, an exceptional arrest or series of arrests, successful completion of a difficult police project, program, and extensive investigation.

Unit Citation ," Awarded to members who perform an act or series of acts which demonstrated a high level of teamwork and professionalism.

Departmental Award of Merit ," Awarded to a member for performance resulting in improved operations, outstanding community service, or substantial savings in organizational costs.

Educational Achievement ," Awarded to members who have completed a college degree in a law enforcement related field or has accumulated a substantial amount of specialized training qualifying the employee as an expert in a specified field.

Patriotism ," Awarded to members who have or are serving in the United States Armed Forces.

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Superior Fitness ," Awarded to a member who excels at the department physical fitness test by obtaining at least the 85 percentile for the criteria set forth by the modified Cooper standard and the Chief of Police.

Public Service Awards: A meritorious or commendable act by a member of the community may include, but is not limited to, the following:

Public Service Award of Valor - Awarded to members of the community who distinguish themselves by performing courageous acts above and beyond the call of civic duty, and involve risk of imminent danger to their lives. Such acts must have been performed for the purpose of saving or protecting human life and so outstanding that it clearly distinguishes their courage from other forms of bravery.

Public Service Star ," Awarded to members of the community who distinguish themselves by performing courageous acts involving personal hazard in protecting or saving human life; or similar acts which are necessary to effect an arrest or prevent the escape of a person who has committed an offence which exposed any person to death or serious injury.

Citizen Meritorious Service Award ," Awarded to any citizen whose assistance to the Police Department was given without regard to personal welfare and had a positive bearing on the outcome of an incident and contributed to the furtherance of law enforcement in the community.

1016.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1016.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, Bureau and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1016.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department

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members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Department - name, Bureau and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1016.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Bureau Commander for his/her review. The Bureau Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Bureau Commander. The documentation will be signed by the Bureau Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1016.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

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Fitness for Duty

1017.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

1017.1.1 CLIENT PRIVILEGE

In the event that a physical or psychological examination is mandated by the Department or the City administration as a condition of continued employment, members may not claim patient client privilege. The Department reserves the right to consult with the physician of record to determine an employee's ability to safely perform job tasks.

If examinations are mandated by the Department or City, the department is to pay for all expenses related to the examinations.

1017.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each employee of the Department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each employee of the Department shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) 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.

1017.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform their duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) 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 in an effort to determine the level of inability of the employee to perform their duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Shift Sergeant or employee's available Bureau Commander, a determination should be made whether the employee should be temporarily relieved from their duties.

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(e) 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 their duties shall investigate the allegation (Utah Code 53-6-211).

(f) 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 their duties is reported to Utah Peace Officer Standards and Training (POST) within 30 days if the allegation is substantiated (UAC R728-409-18). This applies even in those instances where an employee resigns or is terminated (Utah Code 53-6-211).

(g) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1017.4 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) in order to obtain medical treatment or other care.

1017.5 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 Shift Sergeant or unit supervisor and concurrence of a Bureau 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) A preliminary determination that the employee's conduct appears to be in compliance with related policies.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1017.6 FITNESS FOR DUTY EVALUATIONS

Fitness for duty medical evaluations may be performed under any of the following circumstances:

(a) Return to work from injury or illness.

(b) When a supervisor determines there is a direct threat to the health or safety of the employee or others.

(c) In conjunction with corrective action, performance or conduct issues or discipline.

(d) When it is a bona fide occupational qualification for selection, retention or promotion.

1017.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period

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- 30 hours in any two-day (48 hours) period
- 84 hours in any seven-day (168 hours) period

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

1017.8 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 an administrative appeal as outlined in the Personnel Complaints Policy.

1017.9 POLICY

The Park City Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

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Meal Periods and Breaks

1018.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible, shall conform to the policy governing all City employees that has been established by the City Manager as outlined in the City's Employee Policy and Procedure Manual section 4.4 Break Time and Lunch Period.

1018.1.1 MEAL PERIODS

Sworn employees shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall advise the Dispatch Center over the radio or on their mobile data computer (MDC) of their intent and location, prior to taking a meal period. Uniformed officer shall take their breaks within the city limits unless on an assignment outside of the city or with the approval of a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1018.1.2 BREAKS

Each employee is entitled to a 15-minute break, near the mid-point, for each four-hour work period (UAC R477-8-3). Only one 15-minute break shall be taken during each 4-hours of duty.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers shall monitor their radios while on break as they are subject to respond to calls for service. When field officers take their breaks away from their vehicles, they shall notify the dispatch center over the radio or on their mobile data computer (MDC).

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Lactation Breaks

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1019.2 POLICY

It is the policy of the Park City Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Utah Code 34-49-203).

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Payroll Records

1020.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1020.2 RECORDS

The Administration Bureau Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

1020.3 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1020.4 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1020.5 POLICY

The Park City Police Department maintains timely and accurate payroll records.

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Overtime Compensation Requests

1021.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages pursuant to Utah Administrative Code R477-8-5 or by allowing the employee to flex time elsewhere within the pay period. Flex time will be allowed provided it allows sufficient coverage to meet the needs of the department.

1021.1.1 DEPARTMENT GUIDELINE

Because of the nature of police work and the specific needs of the Department, a degree of policy flexibility concerning overtime must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift, and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than two hours in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by requests for overtime payments.

1021.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Bureau. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1021.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the event or case worked in an overtime status in the comments section of their ADPtime card. In some cases, a minimum number of hours will be paid, (e.g., two hours for court, four hours for some overtime assignments). The supervisor may enter the actual time allotted in these instances.

1021.3.1 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies from that reported by the other officer, the Shift Sergeant or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

1021.4 SPECIAL EVENT OVERTIME POSTING

Special Events overtime will be posted in the briefing room, sent by text to all officers (if feasible), and sent via email. The sign up rules for each event will be indicated on the posting, generally allowing for full time officers to sign up until a determined date, after which time part time employees may sign up. Events that have an urgency to fill, usually due to short notice, may indicate that no sign up rules apply and can be filled by any full time or part time officer.

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Overtime Compensation Requests

The department may, on occasion, assign officers to work special events to meet the needs of the department. This may be required overtime or can be flexed by the employee if the opportunity to do so can be found within the pay period.

Certain events, holidays, or time periods may be deemed "all hands" events, which requires that all employees work the event or time period, and no vacation requests may be given during those times. These include:

- Park City Arts Festival
- the 4th of July
- Sundance Film Festival
- Halloween on Main
- Tour of Utah
- Minor's Day
- and any other event deemed an "all hands" event by the Chief of Police.

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Outside Employment

1022.1 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 and City Manager prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police, HR Department and City Manager in accordance with the provisions of the Park City Municipal Employee Policies and Procedures Manual section 5.13 Outside Employment regarding outside employment and shall not involve "incompatible activities" as outlined in this policy.

1022.1.1 DEFINITIONS

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.

1022.1.2 INCOMPATIBLE ACTIVITIES

Incompatible activities are those activities or enterprises which are incompatible, inconsistent, or conflict with the duties of a police officer in general, and city employee, or department member specifically. Such activities may include, but not be limited to, any of the following:

(a) Any employment activity or enterprise which involves private gain by use of department time, facilities, equipment, supplies, prestige, influence, badge, or uniform.

(b) Receipt or acceptance by an employee of any money, property, or consideration from anyone other than the city for performance of an act or function which the employee would be required or expected to render in the normal course of duty.

(c) Performance of an outside activity which may later be subject to control, inspection, review, or audit by the employee's peers or supervisor within the context of employment duties.

(d) Outside employment involving time commitments which impair the ability of an employee to meet duties and responsibilities of city or department employment.

(e) Employment in any establishment which engages in the sale of alcoholic beverages as its primary source of business, or a position where sales or control of alcoholic beverages is the primary responsibility. This includes positions such as bartending, bouncing, security, waiter/waitress in any private club, bar, and restaurant. This policy further precludes ownership interests or management of such premises without written consent from the Chief of Police and the City Manager.

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1022.2 OBTAINING APPROVAL

No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police, the HR Department, and the City Manager. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action up to and including termination.

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, HR and City Manager for consideration.

This form shall be submitted annually thereafter in February of each year.

1022.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline 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 permit(s). 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 permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee’s conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.

(d) 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.

1022.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of UAC R477-9-2, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Interferes with an employee’s efficiency performance.

(b) Conflicts with the interests of the Department or the State of Utah.

(c) Gives reason for criticism or suspicion of conflicting interests or duties.

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1022.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT
Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a request to the Chief of Police,Special Events Lieutenant or the Chief's designee in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department or through direct compensation from the secondary employer. All applicants will be required to enter into a memorandum of understanding containing an indemnification clause prior to approval.

Assignment requests will be at the discretion of the Chief of Police, Special Events Lieutenant or the Chief's designee and staffed based on department needs. Assignments that go unfilled will be staffed as needed by the Special Events Lieutenant or the Chief's designee. To insure fairness, posted sign-up sheets will be retained by the Special Events Lieutenant for review.

Should such a request be approved, any employee working special events or outside employment shall be subject to the following conditions:

(a) The officer(s) shall wear the Department uniform/identification.

(b) The officer(s) shall be subject to the rules and regulations of the Department and the City.

(c) No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1022.3.2 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 the resposibility of the outside employer.

1022.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Chief of Police or Section 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.

1022.4 DEPARTMENT RESOURCES
Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of the Department or other agencies through the use of the employee’s position with this department.

1022.4.1 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 in order to determine whether a conflict of

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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 the Revocation/Suspension of Outside Employment Status subsection of this policy.

1022.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, 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.

1022.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability 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 permit, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability as would be required of an on-duty employee.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled employee returns to full duty with the Park City Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

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Occupational Disease and Work-Related Injury and Death Reporting

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to Risk Management to ensure proper medical attention is received, and to document the circumstances of the incident.

1023.2 BENEFIT PROTECTION CONTRACT

The Park City Police Department will provide a benefit protection contract for any public safety service employee who suffers a qualifying injury or illness as defined and required in state law (Utah Code 49-14-602).

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Personal Appearance Standards

1024.1 PURPOSE AND SCOPE

In order 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 worn up or in a tightly wrapped braid,ponytail, or similar fashion, while in uniform.

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

Beards/goatees are allowed as long as they are neatly trimmed, clean and no longer than 1/2 inch, unless authorized by the Chief of Police or designee.

1024.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1024.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

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(b) Earrings shall be small and worn only in or on the earlobe.

(c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1024.3 TATTOOS

While on-duty or representing the Park City Police Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. 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.

1024.4 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:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

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Uniform Regulations

1025.1 PURPOSE AND SCOPE

The uniform policy of the Park 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:

- Department-Owned and Personal Property
- 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 Park City Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

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.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of the Department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) 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.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) 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.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

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(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) 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.

1. Wrist watch.
2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. 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.

(a) 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.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Bureau Commander.

1025.3 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4-inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.

(b) Service stripes and/or stars - Service stripes and other indicators for length of service may be worn on long-sleeve shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of 1-1/2 inches above the cuff seam, with the rear of the service stripes sewn-on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. 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.

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(d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias (SWAT, FTO) may be worn as designated by the Chief of Police.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

(g) Badge - The Department-issued badge or an authorized sewn-on cloth replica must be worn and visible at all times while in uniform.

(h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1025.3.1 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. The following mourning periods will be observed:

(a) An officer of the Department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.

(d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1025.4 CIVILIAN ATTIRE

There are assignments within the Department that do not require 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.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and is not damaged or excessively worn.

(b) All male administrative, investigative, and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar and slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits that are moderate in style.

(d) The following items shall not be worn on-duty:

1. T-shirt alone.
2. Open-toed sandals or thongs.
3. Swimsuit, tube tops, or halter-tops.

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4. Spandex-type pants or see-through clothing.
5. Distasteful printed slogans, buttons, or pins.

(e) 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.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Park City Police Department or the morale of the employees.

(g) Any uniform worn by a civilian employee shall be clearly distinguishable from that of a regular officer.

1025.5 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Park 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 Park City Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or non-profit publication, or any motion picture, film, video, public broadcast or any Web site.

1025.6 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) 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.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

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1025.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Park 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.

Park 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.

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Nepotism and Conflicting Relationships

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of the Department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

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Department Badges

1027.1 PURPOSE AND SCOPE

The Park City Police Department badge and uniform patch as well as the likeness of these items and the name of the Park City Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1027.2 STANDARD

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1027.2.1 FLAT BADGE

Sworn officers recieve a flat badge capable of being carried in a wallet in addition to their shirt badge. The use of the flat badge is subject to the same policies as the uniform badge.

(a) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in § 700.

(b) An honorably retired officer may keep his/her flat badge upon retirement, with the Chiefs approval.

(c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1027.2.2 NON-SWORN PERSONNEL

Badges and Department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1027.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1027.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

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Department Badges

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications such as electronic mail, or Web sites and Web pages.

The use of the badge, uniform patch and Department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her Department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

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Temporary Modified-Duty Assignments

1028.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1028.2 POLICY

Subject to operational considerations, the Park 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 Park 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, or engaging in outside employment, or may otherwise limit them 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.

1028.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Bureau Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Bureau Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the County Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Sergeant or Bureau Commander, with notice to the Chief of Police.

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 Bureau Commander.

1028.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Bureau Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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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:

(a) Periodically apprising the Bureau Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Bureau Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) 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.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Utah Code 34A-5-106(1)(g)).

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 may have their probation extended by a period of time equal to their assignment to temporary modified duty.

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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.

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Speech, Expression, and Social Networking

1029.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Park City Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected 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 a member from speaking as a private citizen about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1029.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Park City Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members 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 Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1029.3 SAFETY

Members 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 Park City Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member'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 department member.
- Otherwise disclosing where another officer can be located off-duty.

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1029.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Park City Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., 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 members by informing criminals of details that could facilitate an escape or attempted escape).

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.

(f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment 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).

(g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Park City Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Members 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 member (e.g., social or personal website).

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1029.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens, members may not represent the Park City Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police (Utah Code 20A-11-1206):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose any product, service, company, or other commercial entity.

(d) Appear in any commercial, social, or nonprofit publication; or any motion picture, film, video, or public broadcast; or on any website.

(e) Use the email of Park City Police Department for any political purpose (Utah Code 20A-11-1205).

Additionally, when it can reasonably be construed that a member, acting in their individual capacity, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Park City Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1029.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department may not require a member to disclose a username and/or password that allows access to the member's personal internet accounts (Utah Code 34-48-201).

1029.6 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 the authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

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(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1029.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

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Illness and Injury Prevention

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Park City Police Department, in accordance with the requirements of the Utah Occupational Safety and Health Act (Utah OSHA) (Utah Code 34A-6-201).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1030.2 POLICY

The Park City Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1030.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Bureau Commander is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.
8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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(f) Establishment of a process to ensure illnesses and injuries are reported as required under UAC R614-1-5.

1030.4 ADMINISTRATION BUREAU COMMANDER RESPONSIBILITIES

The responsibilities of the Administration Bureau Commander include but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the illness and injury prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
    (a) Communicable diseases (Utah Code 34A-6-102; UAC R614-1-4)
    (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy) (29 CFR 1910.132; Utah Code 34A-6-102; UAC R614-1-2; UAC R614-1-4)
    (c) General safety requirements (UAC R614-1-5)
    (d) Investigations of work-related injuries and occupational diseases and any sudden or unusual occurrence or change of conditions that pose a risk to members (UAC R614-1-5)
    (e) Emergency Action Plan (29 CFR 1910.38; UAC R614-1-4)
    (f) Walking-Working Surfaces (29 CFR 1910.21 et seq.; UAC R614-1-4)
    (g) Personal Fall Protection Systems (29 CFR 1910.140; UAC R614-1-4)

(e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

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(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

(h) Conducting and documenting a regular review of the illness and injury plan.

1030.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Notifying the Administration Bureau Commander when:

  (a) New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.

  (b) New, previously unidentified hazards are recognized.

  (c) Occupational illnesses and injuries occur.

  (d) New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.

  (e) Workplace conditions warrant an inspection.

1030.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administration Bureau Commander via the chain of command.

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The Administration Bureau Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1030.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment (UAC R614-1-5).

The Administration Bureau Commander shall ensure that the appropriate documentation is completed for each inspection.

1030.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1030.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1030.9 TRAINING

The Administration Bureau Commander should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

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(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1030.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1030.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Performance History Audits

1031.1 PURPOSE AND SCOPE

Performance History Audits are collections of data designed to assist supervisors evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for, and must be carefully balanced with the many variables in law enforcement such as:

- An officer's ability to detect crime.
- An officer's work ethic.
- An officer's work assignment and shift.
- An officer's physical abilities, stature, etc.
- Randomness of events.

1031.2 RESPONSIBILITIES

Under the authority of the Administration Bureau Commander, the Office of Professional Standards is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate quarterly performance history audit reports that will be provided to the appropriate Bureau Commander (Utah Code 53-14-202). Internal Affairs will utilize confidential methods to compile and track information regarding performance indicators for each officer during each quarter to prepare the report. Though generated quarterly, each report should contain data from a one-year time period.

1031.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audits will include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1031.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police of Park City Police Department has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include but are not limited to:

(a) The frequency and findings of use of force incidents.

(b) Frequency of involvement and conduct during vehicle pursuits.

(c) Frequency and findings of citizen complaints.

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(d) Number of commendations, compliments and awards (citizen and Department).

(e) Claims and civil suits related to the employee's actions or alleged actions.

(f) Canine bite incidents.

(g) Internal Affairs investigations.

(h) Frequency and reasons for District Attorney case rejections.

(i) Intentional or accidental firearm discharges (regardless of injury).

(j) Vehicle collisions.

(k) Missed court appearances.

(l) Documented counseling memos.

1031.5 COMPILATION OF DATA

The Office of Professional Standards will utilize secure systems and other confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare Performance History Audit Reports.

1031.6 EMPLOYEE NOTIFICATION AND RESPONSE

The Office of Professional Standards will notify each officer prior to retaining any performance indicator for entry into a Performance History Audit Report. The affected officer may submit a written comment within 10 days regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History Audit Report.

1031.7 DATA ANALYSIS AND ACTION

Upon receipt, the Bureau Commander will review each Performance History Audit Report and determine whether it should be provided to an officer's immediate supervisor for further consideration. The officer's immediate supervisor will carefully review the Performance History Audit Report with the officer to assess any potential trends or other issues which may warrant informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Bureau Commander of such recommendation. If the Bureau Commander concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a Performance History Audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

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1031.8 CONFIDENTIALITY OF DATA

Information, data, and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law (UAC R714-562-11). Access to the data will be governed under the same process as access to an officer's personnel file as outlined in the Personnel Records Policy.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1031.9 RETENTION AND PURGING

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History Audit Reports shall be purged from the Office of Professional Standards and all other locations within the Department one year from the date generated. The County Attorney however, shall retain a copy of Performance History Audit Reports for an additional one year period as attorney work product.

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Line-of-Duty Deaths

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Park City Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1032.2 POLICY

It is the policy of the Park City Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1032.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Sergeant and the Dispatch Center.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Press Information Officer section of this policy).

(b) The Shift Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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(c) If the member has been transported to the hospital, the Shift Sergeant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1032.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Sergeant, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting child care or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Park City Police Department members may be apprised that survivor notifications are complete.

1032.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1032.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1032.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Wellness Support Liaison.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1032.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Bureau Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

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(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-staff.

(g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1032.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Park City Police Department members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.

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- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1032.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

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1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

(h) Coordinating with the department's Press Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Press Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1032.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.

2. Members who witnessed the incident.

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3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.

(c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1032.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

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1032.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Park City Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1032.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury and Death Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Death benefits available under Title 49, Utah State Retirement and Insurance Benefit Act
2. Health coverage benefits (Utah Code 53-17-201)
3. Death benefit assistance (Utah Code 53-17-501)
4. Educational benefits (Utah Code 53B-8c-103)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

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(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1032.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.

2. Transportation costs for the deceased.

3. Funeral and memorial costs.

4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1032.7 PRESS INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Instruct department members to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.

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(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1032.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1032.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

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1032.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1032.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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Wellness Program

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1033.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

Peer support member – A member of the Park City Police Department who has been trained in peer support skills and has been appointed to the department peer support team (Utah Code 78B-5-902).

Peer support specialist – An individual in sustained recovery from substance use or mental health disorders who has obtained the proper training certificate and passed the required exam through the Utah Department of Health and Human Services (Utah Code 26B-5-102; UAC R523-5-8).

1033.2 POLICY

It is the policy of the Park City Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1033.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers

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(e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

(a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

(b) Developing management and operational procedures for department peer support members, such as (Utah Code 78B-5-903):

1. Peer support member selection and retention.
2. Training and applicable certification requirements.
3. Deployment.
4. Managing potential conflicts between peer support members and those seeking service.
5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.

(c) Verifying members have reasonable access to peer support or licensed psychotherapist support.

(d) Establishing procedures for CISDs, including:

1. Defining the types of incidents that may initiate debriefings.
2. Steps for organizing debriefings.

(e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

1. Information on mental health resources shall be provided to members annually, including how to access mental health resources and directions on how to appeal a denial of mental health resources as required by Utah Code 53-21-102.

(f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:

1. Obtaining a written description of the program services.
2. Providing for the methods to obtain program services.
3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.

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4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

(g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).

1. The coordinator should work with appropriate Department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

(h) Serving as the designated mental health resources liaison and providing the Department of Public Safety with their current contact information (Utah Code 53-21-102).

1033.3 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

1033.4 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, such communications are not confidential.

1033.4.1 RESTRICTIONS ON DISCLOSURE OF PEER SUPPORT COMMUNICATIONS

A peer support team member acting in that capacity and according to Park City Police Department guidelines for provision of peer support services may not be compelled to testify or disclose records regarding peer support sessions in court proceedings unless specific exceptions apply (Utah Code 78B-5-903).

1033.5 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

(a) Voluntary participation by members

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(b) Allowable physical fitness activities

(c) Permitted times and locations for physical fitness activities

(d) Acceptable use of department-provided physical fitness facilities and equipment.

(e) Individual health screening and fitness assessment

(f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting

(g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.

(h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)

(i) Ongoing support and evaluation

1033.6 MENTAL HEALTH SUPPORT

The Department shall provide or make available mental health resources, as defined by Utah Code 53-21-101, to qualified members, their spouses and children (including certain surviving spouses), and certain retired and separated members and their spouses, as required by law (Utah Code 53-21-102).

Any access of mental health resources provided by the Department shall be kept confidential.

1033.6.1 SUPPORT PERIOD FOR FORMER MEMBERS AND SPOUSES

For retirees or separated members and their spouses, mental health resources will be made available for at least three years from the time that the services are requested (Utah Code 53-21-102).

1033.7 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

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1033.8 TRAINING

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- A peer support team member shall complete a peer support training program approved by the Peace Officer Standards and Training Division, the State Fire Marshal's Office, or the Department of Health and Human Services, as applicable.
- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.

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Leave Benefits

1034.1 PURPOSE AND SCOPE

This policy provides general guidance regarding department employee leave benefits.

Guidance on the use and processing of sick leave is detailed in the Sick Leave Policy and in the Park City Benefits Guide.

1034.2 POLICY

It is the policy of the Park City Police Department to provide eligible employees with the leave benefits described in the City personnel manual and any memorandum of understanding or collective bargaining agreement.

1034.3 BENEFIT GUIDE

For a detailed list of benefits, refer to the Park City Benefits Guide.

1034.4 LEAVE BENEFITS

Leave benefits may include but are not limited to:

- Administrative leaves for jury duty, bereavement, sabbatical, military duty, training, and other temporary leaves.
- Holiday leave.
- Sick leave (see the Sick Leave Policy).
- Vacation leave.
- Compensatory leave.
- Family medical leave.
- Maternity leave.

1034.4.1 LEAVE BENEFITS INFORMATION

All members shall be provided with accurate information regarding leave benefits. For a detailed list of benefits, see the Park City Benefits Guide.

1034.4.2 LEAVE PROCESS

Refer to the Park City Benefits Guide.

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Attachments

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Amendment to Interlocal Agreement Between Park City School District And Park City Municipal Corporation Regarding School Resource Officers (final).pdf

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AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN PARK CITY SCHOOL DISTRICT AND PARK CITY MUNICIPAL CORPORATION REGARDING SCHOOL RESOURCE OFFICERS

This Amendment to Interlocal Agreement Between Park City School District and Park City Municipal Corporation Regarding School Resource Officers is made, this 6th day of February 2024, by and between Park City School District (hereinafter the "School District"), and Park City Municipal Corporation (hereinafter the "City" or, if contextually appropriate, "PC Police Department"), (each a "Party" and together the "Parties") as follows:

WHEREAS, in 2019, the Parties entered into that certain Interlocal Agreement Between Park City School District and the City Regarding School Resource Officers ("2019 SRO Agreement"); and

WHEREAS, the Parties agree that the following amendments to the 2019 SRO Agreement are necessary for the purposes of (1) complying with recent Utah legislative changes; (2) clarifying certain operational issues that have arisen in connection with the Agreement; and (3) adjusting the financial components of the Agreement based on increased service hours to be provided by PC Police Department.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE TO AMEND AND RESTATE THE 2019 SRO AGREEMENT AS FOLLOWS:

1. AUTHORITY: This Agreement is made by and between Parties in accordance with Utah's Interlocal Cooperation Act, Utah Code § 11-13-202, which authorizes political subdivisions of the State of Utah to enter into mutually advantageous agreements for joint and cooperative law enforcement services; and Utah Code § 53G-8-703, which outlines contractual requirements for school districts and SROs; and Utah Code § 53G-8-211, which delineates restorative justice requirements and offenses that cannot be referred to law enforcement.

2. PURPOSE: The purpose of this Agreement is to provide for the health, safety, and welfare of School District students by providing for partnership programs ("SRO Partnership") involving the assignment by the PC Police Department of one or more School Resource Officers ("SROs") to the School District schools located within the boundaries of Park City, viz., the School District's campus on Kearns Boulevard, which includes Park City High School, Treasure Mountain Junior High, and McPolin Elementary School.

3. NO SEPARATE ENTITY. This Agreement shall not create any separate legal, administrative, or interlocal entity for the purpose of implementing or administering the terms and conditions of this Agreement.

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4. ADMINISTRATION OF AGREEMENT. This Agreement shall be jointly and cooperatively administered by the Chief of the PC Police Department and the Superintendent of the School District, or their respective designees.

5. THE SCHOOL DISTRICT'S OBLIGATIONS:
   A. Beginning with the 2023-24 fiscal year (July 1, 2023 - June 30, 2024) the School District agrees to pay, and the PC Police Department agrees to accept, as full and complete compensation to the PC Police Department for the SRO Partnership, the minimum sum of $75,000.00 per fiscal year for each year of the Agreement, payable in equal monthly installments during the term hereof. Invoices for the School District's portion of the cost sharing arrangement are due and payable in full upon receipt. The School District shall also be responsible for reimbursing the PC Police Department for one-half of the additional cost associated with any School District requests for additional hours, per paragraph 9.B, below. In furtherance of same, the School District shall allocate an additional $7,500.00 per year in compensation for SRO presence at District meetings, events and/or extracurricular activities, such as, by way of example, athletic competitions, dances, and school board meetings. The total contribution to be paid by the School District shall not exceed $82,500.00 per fiscal year.

6. THE PC POLICE DEPARTMENT'S OBLIGATIONS & RESPONSIBILITIES:
   A. The PC Police Department will pay the costs exceeding the School District's contribution for the SRO services, provided funds are allocated annually and available. Furthermore, the PC Police Department will supply any necessary equipment and training mandated by state law for the operation of the SRO Partnership.
   B. The PC Police Department will schedule the working hours of the SROs, taking into account the school year calendar of the schools where the SRO provides services. The hours of SRO availability will be during normal school hours while the school of assignment is in session. Adjustments outside these regular hours shall be made by mutual agreement in writing between the School District designee and the PC Police Department designee.
   C. SROs will be employees of the PC Police Department, recruited and employed by the PC Police Department. The SROs' compensation and benefits shall be paid by the PC Police Department, subject to the School District's shared funding obligations as set forth in paragraph 5.A above.
   D. PC Police Department and SROs shall respect the status of School District's facilities as sensitive locations for purposes of immigration enforcement and SROs shall not be deputized to perform the functions of federal immigration agents under Section 287(g) of the Immigration and Nationality Act or otherwise.
   E. The SROs shall be subject to all personnel policies and practices of the PC Police Department except as such policies or practices may be modified by the terms and conditions of this Agreement.
   F. The PC Police Department, in its sole discretion, shall have the power and authority to hire, discharge, and discipline SROs. The School District reserves the right to request the removal or reassignment of any SRO for any reasonable cause

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the School District provides in writing to the PC Police Department after other attempts to correct the problem have been explored. The PC Police Department shall consider the School District's input when determining the removal or reassignment of any SRO, and the PC Police Department shall have the final decision concerning the removal or reassignment of any SRO.

i. In the unlikely event that a situation arises in which the School District believes that a particular SRO's presence at the School District constitutes a direct and immediate threat to the safety and well-being of the School District community, the School District may direct the SRO to leave the premises and not to return until the School District has resolved the issue with either the PC Police Department or the particular SRO.

G. The PC Police Department shall, at all times, be the sole employer of the SROs; this Agreement is not intended to create a joint employment relationship.

H. Notwithstanding anything to the contrary, herein, all scheduling, deployment, and supervision of the SROs will be the responsibility of the PC Police Department.

I. The PC Police Department reserves the right to remove or reassign any SRO along with notification given to the School District.

J. The PC Police Department reserves the option to substitute police officers when any regularly scheduled SRO is not available to support the SRO Partnership. All substitute SROs shall receive all required training and support necessary to understand and comply with the terms of this Agreement prior to being given a substitute assignment at a District school.

7. MUTUAL OBLIGATIONS & RESPONSIBILITIES:

A. Information Sharing. PC Police Department acknowledges and agrees that SRO access to student education records is generally governed by the Family Educational Rights Privacy Act ("FERPA"), 20 U.S.C. § 1232g, *et. seq*, 34 C.F.R. Part 99. The School District will share pertinent records with SROs to the extent permitted by FERPA, and, in the event FERPA is not applicable, pursuant to the Government Records Access and Management Act ("GRAMA").

i. The School District shall allow SROs to inspect and copy "directory information," provided the parent/guardian has not opted out of same.

ii. SROs acting to maintain school safety or for other educational purpose (and not in a law enforcement capacity) shall be designated as "school officials" pursuant to FERPA and may have access to information from student education records; however, an SRO acting as a school official may not use that information for any other purpose, nor share it with any other law enforcement officer not acting in the capacity of an SRO for school safety or educational purposes.

iii. Except under certain limited circumstances, FERPA prevents the School District from disclosing student education records to an SRO where the SRO is acting in the capacity of a law enforcement officer (i.e., the purpose of the SRO's activity or involvement in the situation is the investigation and prosecution of violations of the criminal laws).

iv. To comply with FERPA, School District officials shall not disclose student education records to the SRO or other law enforcement officer acting

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in a law enforcement capacity without (1) parent consent; (2) a warrant/subpoena; (3) an emergency situation involving an imminent threat to the life/safety of an individual; or (4) other exceptions recognized by FERPA.

v. In the SRO's capacity as a school official, the SRO may be asked to assist in the determination of whether a health or safety emergency situation exists under FERPA such that education records can be disclosed without consent. In addition, the SRO may participate in the School District's threat assessment team, which may result in the determination that an emergency health or safety emergency exists warranting disclosure of records. All emergency disclosures shall be documented in the student's education record as required by FERPA.

vi. It is the Parties' common understanding that FERPA applies only to information derived from tangible education records, and does not apply to the disclosure of information obtained through personal knowledge or firsthand observation, even if education records also exist containing that information. However, information known to the School District solely because of the review of student education records and not based on personal knowledge or firsthand observation remains subject to FERPA, even if the record itself is not disclosed.

vii. Law enforcement unit records, including videos or files created by PC Police Department for a law enforcement purpose, and which are maintained by PC Police Department, are not subject to FERPA. PC Police Department may share law enforcement unit records with the School District to the extent permitted under GRAMA or other applicable law.

viii. This subsection 7.A is not intended to represent a comprehensive statement of the laws governing records sharing, but rather, to provide a general overview. Each party remains responsible for ensuring its own compliance with applicable law and shall respect the conclusions of the other party in connection with same.

B. Selection of SROs: The PC Police Department and School District understand the importance of ensuring that each SRO embraces and works collaboratively with school administration and understands the school culture of which they are a part. Therefore, selection of SROs will be made through a collaborative process involving the PC Police Department and School District administrators. Notwithstanding the foregoing, the PC Police Department shall have the final decision as to the placement of each SRO. The PC Police Department and the School District retain all their respective rights and obligations.

i. The School District reserves the right to request the removal or reassignment of any SRO consistent with paragraph 6.F and 6.F.i. above.

C. School Resource Officer: The PC Police Department acknowledges that the mission of the SRO is to provide for and maintain a safe, healthy, and productive learning environment while acting as a positive role model for students in the School District by working in a cooperative, proactive, problem-solving partnership with the School District. The PC Police Department further

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acknowledges that the SRO shall emphasize the use of restorative approaches to address negative behavior. The following also sets forth guidelines to ensure that the PC Police Department and the School District have a shared understanding of the roles and responsibilities of each in maintaining safe schools, improving school climate, and supporting educational opportunities for all students.

D. The SRO will:
   i. Attend any state-mandated training as required by applicable state law (e.g., Utah Code § 53G-8-702).
   ii. SROs are responsible for criminal law issues, not school discipline issues. SROs shall differentiate between school disciplinary issues and crime problems and respond appropriately. When conducting investigations and searches, SROs will adhere to relevant standards and gather evidence in a way that maintains its potential admissibility in court.
   iii. When conducting investigations or searches of a minor enrolled in school, or when addressing offenses committed on school property while school is in session or during a school-sponsored activity, SROs shall comply with the requirements of Utah Code § 53G-8-211, including the following:
      a) SROs shall confer with the School District when addressing an offense that is a class C misdemeanor, an infraction, or a status offense.[1]
      b) When an offense occurs on school property while school is in session or during a school-sponsored activity, it shall be treated as a school discipline matter to be handled by school officials when both of the following conditions are met: (1) the offense is classified as a class C misdemeanor, an infraction, or a status offense; and (2) the offense is not eligible for referral to juvenile court as outlined in § 53G-8-211(3) or -211(4). In such cases, an SRO will refer these offenses to a school administrator for handling as an administrative issue. It is expected that the school administrator will subsequently update the SRO on the resolution.
      c) SROs may not refer an offense that is a class C misdemeanor, infraction, or status offense to the juvenile court unless the conditions of § 53G-8-211(3) or (4) are met.
      d) For all other offenses, referral to the juvenile court is at the discretion of the SRO.
      e) Pursuant to § 53G-8-211(5), nothing in this subsection 7.D.iii is intended to curtail the SRO's authority under the law to refer an alleged traffic offense that is an infraction to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.
      f) Pursuant to § 53G-8-211(6), nothing in this subsection 7.D.iii is intended to curtail the SRO's authority under the law to investigate possible criminal offenses, conduct lawful searches, consult with school administration, lawfully take temporary custody of a minor, transport a

[1] "Status offense" as used in this Agreement means an offense that wouldn't have been an offense but for the age of the offender, and is not otherwise classified as a misdemeanor or felony. *See* Utah Code § 53G-8-211(1)(*l*)(i)–(ii) (defining "status offense").

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minor to a location permitted by law, or protect the safety of students and school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances.

iv. Initiate positive interaction with students in the classroom and general areas of the school building to promote the profession of police officers and be a positive role model, while increasing the visibility and accessibility of police to the school community.

v. De-escalate school-based incidents using reasonable methods when possible.

vi. Understand the School District has adopted a disciplinary philosophy that is designed to minimize the use of law enforcement intervention.

vii. Enhance community-policing activities, identify problems within the schools, develop problem-solving strategies with school administrators and staff, and collaboratively develop a comprehensive school safety plan with school administrators, staff, and district risk management.

viii. Work closely with the School District to improve the social, emotional, and behavioral skills of students in order to maximize their ability to achieve academically and become successful, contributing community members. Issues to be addressed may include but are not limited to substance abuse, violence reduction, social skills, problem-solving skills, and other areas of School District and community concern.

ix. Provide outreach to school administrators, parents, students, businesses, and the community for stakeholder involvement in problem solving and developing solutions. This will enable the PC Police Department and the School District to form valuable partnerships and promote ongoing continued relationships that will benefit the community. The result of this collective effort will help the PC Police Department to provide the best public safety services to better protect Park City residents and support PC Police Department officers in their law enforcement work.

x. Be involved when it pertains to preventing a disruption that would, if ignored, place students, faculty, and staff at risk of harm. The SRO will assist School District personnel in resolving the problem to preserve a safe school climate. The SRO should <u>not</u> be involved in physically detaining students on behalf of the School District for potential violations of school policy or code of conduct offenses unless the offense also violates state law or city ordinance. Disciplining students is a School District responsibility.

xi. As partners with the School District, when appropriate, SROs may assist with resolving law enforcement issues that affect the School District and the broader community.

xii. Participate in meetings with school administration when requested by school administration during the SRO's normal shift.

xiii. Use the least disruptive method in conjunction with school administration when conducting an arrest or writing a citation to a student at school, at a school event, or on a school vehicle.

xiv. Notify parents as soon as possible when students are ticketed or arrested.

xv. Become familiar with the School District student discipline policies.

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xvi. SROs shall not transport students in PC Police Department vehicles except:

a) When the students are victims of a crime, under arrest, or some other emergency circumstances exist; and

b) When students are suspended and/or sent home from school pursuant to school disciplinary actions; if the student's parent or guardian has refused or is unable to pick up the child within a reasonable time period and the student is disruptive/disorderly and his/her continued presence on campus is a threat to the safety and welfare of other students and school personnel.

c) Students shall not be transported to any location unless it is determined that the student's parent, guardian, or custodian is at the destination to which the student is being transported. SROs shall not transport students in their personal vehicles.

d) SROs shall notify school personnel upon removing a student from campus.

E. The School District School Administrators will:

i. Provide the PC Police Department a School District "point of contact" at the School District level and at each school to facilitate SRO Partnership communication.

ii. Provide an office, storage, or workspace for SRO materials and personal effects.

iii. Provide time for School District principals or designees and the assigned SROs to jointly attend a training as required by Utah Code § 53G-8-702, as well as other required trainings and meetings as may be required by the PC Police Department.

iv. Provide students, classroom, equipment, and supplies for classes taught by SROs.

v. Differentiate between student disciplinary issues and crime problems and respond appropriately.

a) Administrators will recognize that SROs are responsible for criminal law issues, not school discipline issues.

b) When an offense occurs on school property while school is in session or during a school-sponsored activity, it shall be treated as a school discipline matter to be handled by school officials when both of the following conditions are met: (1) the offense is classified as a class C misdemeanor, an infraction, or a status offense; and (2) the offense is not eligible for referral to juvenile court as outlined in § 53G-8-211(3) or -211(4). In such cases, an SRO will refer these offenses to a school administrator for handling as an administrative issue. It is expected that the school administrator will subsequently update the SRO on the resolution.

c) Arrange meetings with the SROs as needed by the school administration.

d) De-escalate school-based incidents using reasonable methods when possible.

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e) Strive to handle routine discipline (code of conduct infractions) within the school without involving the SRO in a law enforcement capacity unless it is absolutely necessary or required by law.
f) Facilitate SRO-initiated investigations and actions.
g) Offer an opportunity for the SRO and school administration to meet with community stakeholders throughout the school year.
h) Notify SROs responding to a school-based infraction if any student involved has a known disability and/or an Individualized Education Plan ("IEP") and therefore may require special treatment or accommodations.

F. The PC Police Department will:
i. Provide SRO supervision.
ii. Provide SRO training to comply with state law requirements.
iii. Provide the SROs with uniforms and equipment.
iv. Follow the agreed upon schedule for deployment of SROs at schools.
v. Ensure that the SROs' supervisor maintains communication with the school administrators throughout the year to evaluate the performance of services provided by the SROs.
vi. Provide time for the SROs and the school principals or their respective designees to attend the SRO trainings as required throughout the school year.
vii. Provide an SRO or other law enforcement officer to teach a vocational law enforcement class, if requested by the School District.

G. Statement of Student's Rights:
i. Searches
a) Students have a constitutional right to be free from unreasonable searches and seizures. The reasonableness of a search or seizure in the education context differs depending on various factors, including whether the search is conducted by School District personnel or law enforcement personnel.
b) All searches of students by School District employees shall be conducted pursuant to the School District's Search Policy (Policy 10080).
c) A school official should not ask an SRO to be present for or participate in a search conducted pursuant to Policy 10080 unless there is an actual immediate threat to individuals or public safety, or unless probable cause has been determined.
d) Probable cause is not required for a School District employee to initiate a search; rather the standard is one of "reasonable suspicion" to believe the student is in possession of an item or substance that represents a threat to the educational process, or is prohibited by school board policy or law.
e) An SRO may investigate possible criminal offenses and conduct, including probable cause searches. SROs shall be responsible for determining whether probable cause exists, and SROs should follow state and federal law and PC Police Department policies and procedures when conducting searches of persons and/or property.
f) SROs may conduct or participate in a search of a student's person, school locker, personal belongings, electronic devices, or vehicle when there is

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"probable cause" to believe that the search will turn up evidence that the student has committed, is committing, or was very soon going to commit a criminal offense.

g) The SRO shall not ask a school official to search a student in an effort to circumvent a student's constitutional protections.

ii. Questioning/Interviews

a) School District employees have the right to question students about school-related conduct/disciplinary issues and possible violations of student codes of conduct at any time.

b) School officials are not required to notify parents or obtain parental consent prior to questioning a student about a violation of a student code of conduct, even if the nature of the violation being investigated is also potentially a violation of law.

c) Generally, as a matter of best practice, questioning of students by School District employees in connection with school code of conduct/disciplinary investigations should be separated in time and place from law enforcement interviews investigating alleged criminal behavior.

d) If an SRO is conducting an interview in connection with investigating alleged criminal behavior, they must make clear that the purpose of the interview is criminal investigation and possible prosecution.

e) SROs shall adhere to the reasonable policies and procedures of the School District regarding access to students.

f) When acting in a law enforcement capacity SROs shall be subject to all recognized federal and state constitutional and other legal limitations on their actions and authority, including as it relates to the need for probable cause, issuance of *Miranda* warnings, warrants, subpoenas, and other legal processes.

g) Where an SRO or other law enforcement officer initiates a custodial interrogation of a student, the PC Police Department shall adhere to the requirements of Utah Code § 80-6-206 (e.g., imposing requirements on the interrogation of a child, providing a right to the presence of a friendly adult, and describing certain prohibitions).

- The SRO or other law enforcement officer shall be responsible for determining whether the minor is "in custody" for purposes of the protections afforded by § 80-6-206.
- If the minor is subject to a custodial interrogation in connection with an offense that also involves school code of conduct or disciplinary violation, School District personnel shall not act as a "friendly adult" for purposes of Utah Code § 80-6-206.

iii. Arrests

a) A SRO shall <u>not</u> use physical force or restraints on a student, including handcuffs, tasers, mace, or other physical or chemical restraints, unless a student's actions pose a direct threat to self/others or the student is subject to arrest, or the use of reasonable and necessary physical force is appropriate based on the totality of the circumstances, and in light of the unique features associated with the educational context.

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iv. Information Privacy

a) School administrators shall allow the SRO to inspect and copy any public records, including student "directory information," maintained by the school to the extent allowed by state and federal law and School District Policy.

b) If some information in a student's educational record is needed in an emergency to protect the health or safety of the student or others, school administrators shall disclose to the SRO the information that is needed to respond to the emergency situation based on: (i) the seriousness of the threat to the health or safety of an individual; (ii) the need of the information to meet the emergency situation; (iii) the extent to which time is of the essence.

c) If the SRO needs confidential student educational record information, but no emergency situation exists, the information may be disclosed only as allowed by applicable state and federal law and School District Policy, such as upon the issuance of a search warrant or subpoena to produce the records, written consent of the student's parent or guardian, or as otherwise provided by law. The School District agrees to timely respond to a subpoena pursuant to URCRP Rule 14 and URCP Rule 45.

d) Records or files which the SRO creates and maintains for law enforcement purposes rather than school disciplinary purposes are not student records and are not protected by FERPA. Those law enforcement unit records may be disclosed to third parties without parental consent in accordance with GRAMA and other applicable provisions of law.

H. Special Considerations for PC Police Department/School District:

i. Although SROs will be working in conjunction with the school staff, they will report directly to the PC Police Department assigned supervisor on any administrative matters and will follow the PC Police Department command structure.

ii. The School District acknowledges that SROs are required by policy and procedures to attend mandatory trainings and /or meetings.

iii. Although SROs remain employees of the PC Police Department, SROs are required to be on the campus of the school(s) they are assigned to unless performing duties directly related to the PC Police Department.

8. FUNDING AVAILABILITY:

A. PC Police Department and the School District acknowledge that (i) neither party by this Agreement irrevocably pledges present cash reserves for payment in future fiscal years, and (ii) this Agreement is not intended to create a multiple-fiscal year direct or indirect debt or financial obligation of either party.

9. SRO SCHEDULE AND ASSIGNMENT

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A. The SRO Partnership will consist of having an officer in each of the School District's contracted schools for eight hours per school day as per District calendar. During non-school days, the SROs' schedules will be managed through the PC Police Department.
B. The School District may request additional hours beyond the regularly scheduled assignment from the PC Police Department. Upon approval, the SRO will be compensated or reimbursed for the additional cost associated with that coverage.

10. Miscellaneous Provisions:
    A. Term. This Agreement shall be effective from July 1, 2023 to June 30, 2028 unless it is terminated earlier as provided herein. The School District and the City may mutually agree to renew the Agreement for one additional five (5) year term. The cost to extend the term will be mutually agreed to by the Parties in writing. Any extension of this Agreement remains subject to annual appropriation of funds by both the City and the School District.
    B. Termination:
        i. The City may terminate this Agreement with the School District for the City's convenience upon thirty (30) days' written notice to the School District without compensation to the School District.
        ii. The School District may terminate this Agreement with the City for the School District's convenience upon thirty (30) days' written notice to the City without compensation to the City except for services actually performed prior to the termination or during the thirty (30) day notice period.
    C. Property: No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.
    D. Severability and Non-Waiver:
        i. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.
        ii. If it should appear that any provision hereof is in conflict with any statutory provision of the State of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.
        iii. It is agreed by the Parties that the forgiveness of the non-performance of any provision of this Agreement does not constitute a subsequent waiver of the provisions of this Agreement. No waiver shall be effective unless it is in writing and signed by an authorized representative of the waiving party.
    E. Integration: This Agreement is a completely integrated agreement and contains the entire agreement between the Parties. Any prior written or oral agreements or representations regarding this Agreement shall be of no effect and shall not be

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binding on the School District or the City. This Agreement may be amended only in writing and executed by duly authorized representatives of the Parties.

F. No Third Party Beneficiary: It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement, shall be strictly reserved to the Parties. Nothing contained in this Agreement shall give or allow any such claim or right of action by any third person or entity. Any third party receiving services or benefit under this Agreement shall be deemed to be incidental beneficiaries only.

G. Governing Law. This Agreement, and the rights and liabilities of the Parties hereunder shall be governed by the law of the State of Utah.

H. Liability of The Parties: The provision of services under this Agreement is for the benefit of both Parties to the Agreement. Each party agrees to be responsible for its own liability incurred as a result of its participation in this Agreement. In the event any claim is litigated, each party will be responsible for its own expenses of litigation or other costs associated with enforcing this Agreement.
   i. Each Party to this Agreement is a governmental entity of the State of Utah and subject to the Governmental Immunity Act of Utah, Utah Code § 63G-7-101, *et. seq*. No provision in this Agreement is intended to waive any provision in the Governmental Immunity Act nor is it intended to waive any defenses available under the Act.

I. Interlocal Cooperation Act Requirements. The Parties shall comply with the following requirements:
   i. This Agreement shall be authorized by the governing body of each Party pursuant to Utah Code Ann. § 11-13-202.5;
   ii. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to Utah Code Ann. § 11-13-202.5; and
   iii. A duly executed original counterpart of this Agreement shall be filed with the keeper of records of each Party, pursuant to Utah Code Ann. § 11-13-209.

IN WITNESS WHEREOF, the Parties, through their duly authorized representatives, have executed this Amendment to Interlocal Agreement Between Park City School District and Park City Municipal Corporation Regarding School Resource Officers on the dates indicated below.

//

//

[Signature Page to Follow]

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DATED this 5 day of February, 2024

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

DocuSigned by:
Matt Dias
D5D5222E86E246E...
By:
Its:

APPROVED AS TO FORM

DocuSigned by:
Tricia Lake
B7370EBA20234E0...
ATTORNEY FOR PARK CITY MUNICIPAL CORPORATION

ATTEST:

DocuSigned by:
Seal
78A8823456 4E44D...
PARK CITY RECORDER'S OFFICE

DATED this 29 day of January, 2024

PARK CITY SCHOOL DISTRICT
2700 Kearns Blvd.
Park City, UT 84060

DocuSigned by:
48146A5DA394400...
By:
Its:

APPROVED AS TO FORM

ATTORNEY FOR PARK CITY SCHOOL DISTRICT

PCPD ORG Chart Updated 08.08.24.png

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PCPD Org Chart 2024.pdf

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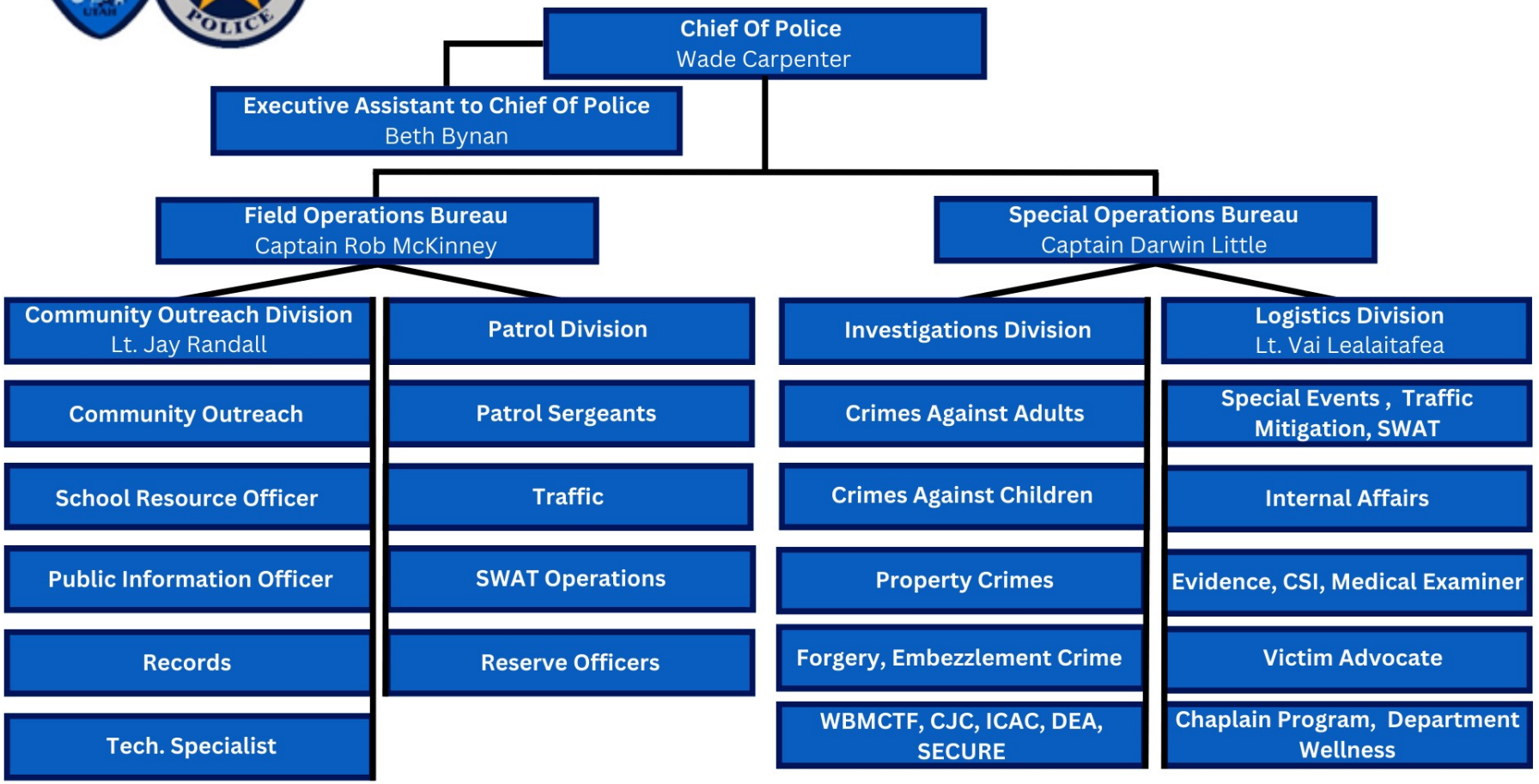
Park City Police Department



PCPD Updated URMA Physical Readiness Test Manual 11.5.24.pdf

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PHYSICAL READINESS TEST

PROCEDURAL MANUAL

Adopted: 1999; Edited: 01/18/17

URMA PHYSICAL READINESS TEST BOOKLET

Table of Contents

	Page
Physical Readiness Test	
Testing site preparation	**2**
Test day procedures	**4**
Specific test procedures and scripts	**6**
Master Score Sheet	**12**
Job Task Simulation Test	
Background	**13**
Job task scenario	**14**
Test administration	**14**

TESTING SITE PREPARATION

1. Identify possible testing sites. The fitness testing area should include a flat area large enough to conduct the 1.5 mile run, and areas for the push-up, sit-up, and vertical jump. If the agency does not have its own facility, possible sources for testing sites include colleges, junior colleges, high schools, training academies, fire training facilities, and military bases.

2. If you are having trouble finding the ideal testing site, prioritize the short falls. For example, if one site has everything but access to the vertical jump, and another has everything except a track, can you move the vertical jump to the first site?

3. Coordinate to use the facility for as many days as the testing is scheduled for plus one. This provides some flexibility for inclement weather and make up testing for those unable to make the primary test date.

4. Coordinate for both on site medical coverage, such as an EMT, and notify the nearest hospital of the testing dates in case there is a requirement for more advanced medical assistance. Make sure the EMT has at least a first aid kit. Ensure there is one vehicle on site earmarked for emergency evacuation.

5. Ensure you have a means of reliable communication, along with a list of emergency phone numbers.

6. Coordinate for transportation if the testing must be conducted at different sites.

7. Materials needed for the testing, with possible sources:

    a. Mats for the sit-up test – local gym or high school.
    b. Vertical jump – two possibilities. Traditionally, we have taped a yardstick to the wall and used it to measure the standing and jumping reaches. Some facilities have chalked boards mounted on the wall to facilitate making that observation. Or you may purchase a testing apparatus called the VERTEC that eliminates the need for jumping against a wall and marking the standing and jumping heights.
    c. Preferably, you will administer 1.5 mile run on a track. Check to determine if the track is 440 yards or 400 meters. If the track was built within the last 20 years it is probably 400 meters. It is worth rolling the measuring wheel around the track one time to be sure. A quarter mile is 1320 feet, while

400 meters is 1312. Obviously 1.5 miles is six laps around a 440 yard track. For the 400 meter tracks, 1.5 miles is six laps plus 42 feet.

d. If you must use an out and back course, be sure that it is flat and unobstructed. Also consider how this choice will affect your manning capabilities. Will you have enough instructors to put one at the start and turn points, observe the runners throughout the course to ensure their safety, provide a trial vehicle in case of injuries along the route, keep track of finishing times, etc? Check with local running clubs for numbers to identify the runners.
e. Water source. If fountains are not available at the test site, provide a jug. Possible sources include local fire/police stations, schools, local running clubs, and local fitness clubs. If you go this route, remember cups.
f. At least two stop watches.
g. Clipboards and pens for recording scores.

8. If you do not have enough fitness coordinators to effectively run the test site, other officers can help with recording scores. But for the push up and sit up, make sure only fitness coordinators grade those events.

9. If possible, rehearse the fitness coordinators the day before the testing. If not possible, have them report 30 minutes early to ensure they know who is demonstrating and grading each event, and that they can do the demonstration correctly.

10. All participants should be tested in the same order across events. For example if Officer# 1 is the first to do the vertical, he/she will be the first to do all other events.

11. Provide each participant a copy of the briefing letter (see form 1) explaining the times, location etc. of testing prior to the testing.

12. Print up copies of:
    # 1 Coordinator Assignments
    # 2 Master Score Sheet
    # 3 Run lap sheet

TEST DAY PROCEDURES

1. For the purposes of this example, assume 25 officers or applicants are scheduled each testing day with five coordinators available. Double check with the coordinators assigned to lead the warm up, demonstrate the vertical jump, sit up, and push up.

2. In this example veryone reports at 7:30am.

3. Conduct a briefing [Test scripts].

4. Have a coordinator conduct a group warm up for 5 – 10 minutes.

5. Demonstrate the vertical jump. Line everyone up in front of the vertical jump (one or two coordinators) at 8:00 am. Have someone go down the line and record each name on the master score sheet [see form 5].

6. After everyone has completed vertical jump, demonstrate the sit up and push up.

7. For the sit up have one sit up lane for each coordinator. In this example, assume five coordinators. The first 5 officers who did the vertical jump get down on the mat in lanes 1 through 5 with the next 5 hold their ankles. Officers 11 -16 are the third heat, and so forth. The first heat holds ankles for the fifth heat. Have each heat stay in place until a coordinator or an admin person records the scores on the master score sheet. You can finish the sit up in less than ten minutes.

8. After the rest period, the coordinator from lane 1 will administer the push to each person in lane 1, the lane 2 coordinator grades lane 2, and so forth. Provide a score sheet [see sample] for each coordinator to record his lane's scores until they can be transferred to the master score sheet.

9. Start the clock for the 30 minute rest before the 1.5 mile run when the last person finishes the push up. Use two clocks for the run (one back up), and have coordinators will keep track of the laps and time for each of "their" folks on the run [form 6 - make a copy of that form and cut it up into as many pieces as there are coordinators.]

10. Recognize that if the Vertec is used for the vertical jump a higher jump height is required (19 inches as opposed to 16 inches with the yardstick). This is because the Vertec jumping apparatus angle stimulates higher jumps. It produces a difference of about 3 inches.

11. Brief participants as to the standards

Vertical jump	= 16 inches (19 inches with a Vertec)
1 minute sit up	= 35
Maximum push up	= 25
1.5-mile run	= 15:54

12. Follow the standard testing sequence

TIME	EVENT
3 minutes	1. Warm-up
	2. Vertical jump
	5. Sit ups
10 minutes	5. Rest
	6. Push ups
30 minutes	7. Rest
2 minutes	8. Warm-up
	9. 1.5-mile run
5 minutes	10. Cool down

SPECIFIC TEST PROCEDURES AND SCRIPTS

Vertical jump

"The first event is the vertical jump, a measure of lower body explosive power. It is an important area for pursuit tasks that require jumping and vaulting."

With a Vertec

When using VERTEC - "**Watch this demonstration. Stand under the test apparatus, and reach up as high as you can with one arm while placing your bicep next to your ear. The apparatus will be lowered to your fingertips. Take one step back with either foot. Then step forward, and jump, reaching as high as possible, and hit the tabs. Or you may jump from both feet without taking a step. Your score is the highest tab you reach, and will be recorded to the half-inch. You will have three attempts for this event. Are there any questions?**"

Instructor tips:

As each participant approaches the area for the VJ, take her/his score sheet. With the jump mat do not count a jump if the individual tucks his/her knees. If using the Vertec or yardstick record the standing reach. When using the yardstick, you will have to pay close attention to accurately measure the jumping reach. Record each attempt, and subtract the standing reach from the best jumping reach. Record the score on the individual's sheet. This is the individual's score for the VJ.

Equipment

- Vertec

Procedural tasks with a Vertec

a) Subject stands under the Vertec, reaches up as high as possible keeping bicep against the ear, and Coordinator adjusts the frame to mark his/her standing reach.
b) Subject takes one warm up jump then makes three jumps for a score.
c) Coordinator moves tabs to one side to reduce resistance.
d) Subject takes one step back with either foot, steps forward then jumps as high as possible hitting the highest vane OR a subject may jump with both feet and not take a step.
e) Score is the inches to the nearest 1/2 inch.
f) The best of three (3) trials is the score.

With a yardstick

When using a yardstick - "**Watch this demonstration. Stand next to the wall, and reach up as high as you can with one arm while placing your bicep next to your ear. The coordinator will record your standing reach. Move one half step away from the wall. Take one step back with either foot. Then step forward, and jump, reaching as high as possible, and hit the yardstick. Or you may jump from both feet without taking a step. You will have three attempts for this event. Your score is the difference between your standing and jumping reach, and will be recorded to the nearest half inch. Are there any questions?**"

Instructor tips:

As each participant approaches the area for the VJ, take her/his score sheet. Record the standing reach. When using the yardstick, you will have to pay close attention to accurately measure the jumping reach. Record each attempt, and subtract the standing reach from the best jumping reach. This is the individual's score for the VJ.

Equipment

- Yardstick taped to a smooth wall.
- Chalk dust or chalk for marking extension when jumping.

Procedural tasks with a yardstick

a) Subject stands with one side toward the wall and reaches up as high as possible to mark his/her standing reach.

b) Subject steps back with either foot, steps forward then jumps as high as possible and marks the spot on the wall above his/her standing reach mark OR a subject may jump with both feet and not take a step.

c) Score is the inches to the nearest 1/2 inch.

d) The best of three trials is the score.

One-minute Sit-up Test

"The second event is the one-minute sit up, which measures the muscular endurance of the abdominal muscles, an important area for many physical tasks and injury prevention. "

"Watch this demonstration. Lie on your back, with your knees bent at approximately a 90-degree angle. Your feet may be together or apart, but the heels must stay in contact with the surface. Your partner will hold your ankles. The tips of your fingers must stay behind the ears, although you may interlock your fingers if desired. When the instructor says "GO", lift your upper body (head and torso) by bending at the waist, move your elbows to or past your

kneecaps. Return to the starting position, with your shoulder blades touching the surface. That will constitute one repetition. If you arch your back, lift your buttocks from the mat, move your finger tips forward of your ears, fail to touch the knees, stop to rest in the down position, or fail to touch your shoulders to the mat, you will receive a warning. For any subsequent violation, the repetition will not count. You will have one minute to do as many sit-ups as possible. The instructor will announce 45, 30, 15 seconds, and count out the last ten seconds. Your score is the number of correct sit-ups. Are there any questions?"

Instructor tips:

Have a demonstrator execute several correct sit-ups while you are reading the directions. Repeat the demo after finishing the instructions. During the second demo, point out common errors. Divide the participants into as many groups as there are coordinators. Coordinators will position themselves at a 45 degree angle to the left front of the participant being tested. From that position you should be able to observe that the elbows touch or pass the knees, fingers remain behind the ears, the shoulders touch the mat, the heels remain in contact with the floor, and that the buttocks remain on the mat.

Equipment:

- Mat
- Stopwatch

Procedural tasks:

a) The subject starts by lying on his back, knees bent, heels flat on the floor. Finger tips stay behind the ears.

b) A partner holds the feet down.

c) The subject then performs as many correct sit-ups as possible in one minute.

d) In the up position, the individual must touch or pass the kneecaps with the elbows, then return the shoulders to the mat before starting the next sit up.

e) The subject cannot raise the buttocks from the ground and when returning to the down position the shoulder blades must touch the ground.

f) Score is total number of correct sit-ups in 1 minute.

Maximum Push-up Test

"The third event is the push-up, a measure of the muscular endurance of the upper body (chest, shoulders, and triceps). This is an important component of fitness for many tasks such as use of force, lifting, carrying, and pushing."

"Watch this demonstration. Assume the front-leaning rest position by placing your hands on the surface just outside a straight line down from the shoulders. The back, buttocks, and legs must be in a generally straight line from the head to the heels. The feet may be together or up to twelve inches apart. When the instructor says "GO", lower your body by bending the elbows until the tops of the upper arms, shoulders, and upper back are aligned and parallel to the ground. Return to the starting position by soft-locking your elbows. This constitutes one repetition. You may rest in the up position. If you arch your back, fail to keep your body relatively straight or soft lock your elbows, you will receive a warning. For any subsequent violation, the repetition will not count. There is no time limit. Do as many correct repetitions as possible. Your score is the number of correct push-ups. Are there any questions?"

Instructor tips:

Have a demonstrator execute several correct push-ups while you are reading the directions. Repeat the demo after finishing the instructions. During the second demo, point out common errors. Lightly touch the back of the elbow to ensure they are locking out. Coordinators should position themselves at a 45-degree angle to the left front of the participant being tested. From that position you should be able to observe that the body remains in a generally straight line, the upper arms and shoulders are parallel to the ground in the down position, and the elbows lock out upon return the starting position.

Procedural tasks:

a) The subject starts in the front leaning rest position. Hands are slightly more than shoulder width apart, feet are 12" apart or less

b) The subject lowers self until the upper arms are parallel to the ground, then pushes up again.

c) The back must be kept straight throughout the exercise.

d) There is no time limit.

1.5 Mile run

"The forth event is the 1.5 mile run, a measure of cardiovascular endurance or aerobic power. This is an important component of fitness for running pursuits and use of force situations lasting more than two minutes."

You will line up behind the starting line. At the command "GO" start running at a sub maximal pace. To complete the run, you will start here and run (describe the course). Your goal is to complete the 1.5 miles in as fast a time as you can. As you complete each lap your time and number of laps to go will be announced. You may walk, but try to keep running for the entire distance. You may run

alongside another runner for help with the pace, but you may not physically assist or be assisted by another runner. After the run do not sit down or standstill but walk slowly for a lap. Your score is the time it takes to complete the 1.5 miles. Are there any questions?"

Instructor tips:

Have a monitor on the other side of the track. Coordinators will record times for each person in their group. If no numbers are available, have each person call out their name as they complete each lap.

Equipment:

- Marked level course. On a 440 yard track the test is 6 laps. On a 400 meter track the test is 6 laps plus 42 feet.
- Stop watch
- Numbered vests if available

Procedural tasks:

a) Have subjects warm up.

b) Subjects should be instructed to cover the distance as fast as possible.

c) At the command "GO" time is started.

d) Score is time to run the course.

e) A cool down is required after running.

Master score sheet

NAME	VERT. JUMP	SIT UP	PUSH UP	1.5 RUN TIME

BACKGROUND

Three job task simulation test (JTST) scenarios were defined in the URMA study that contained most of the frequent and critical tasks that emerged from the job task analysis. 198 incumbent officers from the URMA agencies took the three JTST scenarios and the physical fitness tests. Specificity and sensitivity analyses were applied to their test data that viewed the predictability of each fitness score against performance on the three JTST scenarios. The first and second scenarios (a roadway clearance and extraction scenario) did not yield any predictive cut points that significantly predicted who could and could not perform the tasks at a minimally effective level. Only the third scenario (pursuit and arrest) provided significant predictability. Because of this, if the JTST scenarios were to be used as the physical readiness tests instead of the physical fitness tests only the third JTST scenario should be used.

This Procedural Manual provides the specific guidelines for setting up and administering the URMA JTST.

JOB TASK SCENARIO

General instructions

"The job-task simulation test was developed based on input from a randomly selected sample of 289 Officers of URMA Departments. They rated tasks for frequency and criticality, and provided quantifying data. The results indicated that the physical tasks and demands were very similar across all positions. This test measures the ability to perform those physical tasks of the job that officers rated as essential and important."

PURSUIT AND ARREST SCENARIO

"The participant is charged with pursuing and restraining a fleeing perpetrator. The various obstacles are simulations of barriers that officers may encounter during a pursuit situation." The total course is 1500 feet (500 yards).

"At the command GO you will run 30 yards (90 feet) to a fence. Climb over the 6 foot fence and run 20 yards (60 feet) to stairs. Run up and down 12 steps three times. Run 30 yards (90 feet) to track. Run 340 yards (1020 feet) on track to a traffic cone. Turn and run 10 feet and jump a ditch 4 feet apart (marked by 4 traffic cones). Run 60 feet. Then serpentine around 10 cones spaced 10 feet apart (total distance 100 feet). Turn and run 10 feet. Jump over a 4 ft. sawhorse or hurdle, then run 60 feet to 190 lbs. dummy.

The dummy is on its back. Roll dummy onto stomach and while down on one knee pull resistance tubing with each arm to midline of the dummy (tubing held by two test administrators each side of dummy) . Stand up and lift dummy up to knees. Your score is the time it takes to complete these tasks. Watch this demonstration. Do you have any questions?" To meet the standard you must complete the course and all tasks in less than 4 minutes and 25 seconds.

Test administration

Situation The officer is charged with pursuing and restraining a fugitive. The various obstacles are simulations of both urban and rural barriers that may need to be surmounted in a pursuit situation.

Tasks PURSUING

1. Subject starts at traffic cone and runs 30 yards (90 feet) to a fence.

2. Subject goes over a six (6) foot fence and runs 20 yards (60 feet) to stairs (marked by traffic cone)

3. Runs up and down 12 steps x 3 times

4. Runs 30 yards (90 feet) to track. (marked by 1 traffic cone).

5. Runs 1020 feet (340 yards) on track to a traffic cone.

6. Subject turns and runs 10 feet

7. Jumps a ditch 4 feet apart (marked by 4 traffic cones).

8. Runs 60 feet

9. Serpentines around 10 cones spaced 10 feet apart.(total distance 100 feet)

10.Turns and runs 10 feet.

11.Jumps over a 4 ft. foot sawhorse or hurdle

12.runs 60 feet to 190 lb. dummy

RESTRAINING

13.Dummy is on his back

14.Subject rolls dummy onto stomach

15.While down on one knee, pull resistance tubing with each arm to midline of the body. (simulation of cuffing)

16.Stands up and lifts 190 lb. dummy up to knees up position.

Equipment

<u>Subject to be tested</u>

1. Dressed in sweat suit or duty uniform.

2. Belt, gun, radio, vest, baton

Setting the testing situation

1. Fence adjacent to track.
2. 440 yard or 400 meter track.
3. 4 ft. sawhorses or hurdle
4. 18 traffic cones.
5. Two rubber resistance bands tubing.
6. 190 lb. dummy
7. 2 assistants to hold rubber tubing and blocking bag
8. Stop watch.

Measurement Time in minutes and seconds

Instructor tips

A coordinator should accompany each participant through the course. Key tasks are to guide the officer through the course, especially the serpentines. When the officer lifts the dummy up the time is recorded.

Effective passing time = 4:25

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Victim Advocate Call Out Draft.pdf

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Victim Advocate Call Out

318.8 INCIDENT CALL OUT

The Victim Advocate shall be called out on the following incidents:

Domestic Violence:

- When a referral is triggered based on the Lethality Assessment Protocol (LAP).
- When a victim is “screened in” based on the LAP.
- When a victim is “screened in” based on the officer’s belief as described on the LAP.

Sexual or Physical Assault:

- When an examination is conducted at a hospital by a Wasatch Forensic Nurse.
- The Victim Advocate will coordinate with the Peace House to determine if the response is best at the beginning or end of the examination on each case. Regardless of the timing of the response, the Victim Advocate should be notified at the onset.

Other Trauma:

- When a child is the witness or victim of a traumatic incident.
- When death or serious trauma is experienced by a victim, witness, or family member.
- When the watch commander deems it necessary for the benefit of a victim.

318.8.1 CALL OUT PROCEDURE

- The Victim Advocate can be directly contacted by an investigating officer or the watch commander. The Victim Advocate will be responsible for notifying the Detective Lieutenant of his/her response.
- When a call out is not necessary, but a consultation would be prudent, the Victim Advocate is available by phone.
- Email the Victim Advocate when the Peace House is consulted, but a call out is not necessary.
- There will be rare occasions when the Victim Advocate is unavailable. On these occasions, the Peace House representative, Summit County’s Victim Advocate, or a telephonic response by our Victim Advocate is acceptable. Approval should be obtained from the Lieutenant or watch commander when this occurs.
- If there is exigency, and circumstances arise in which the watch commander decides not to call out the victim advocate, the watch commander shall email the Detective Lieutenant, Patrol Lieutenant, and Victim Advocate summarizing their decision not to call out the victim advocate.

2025 Org Chart.pdf

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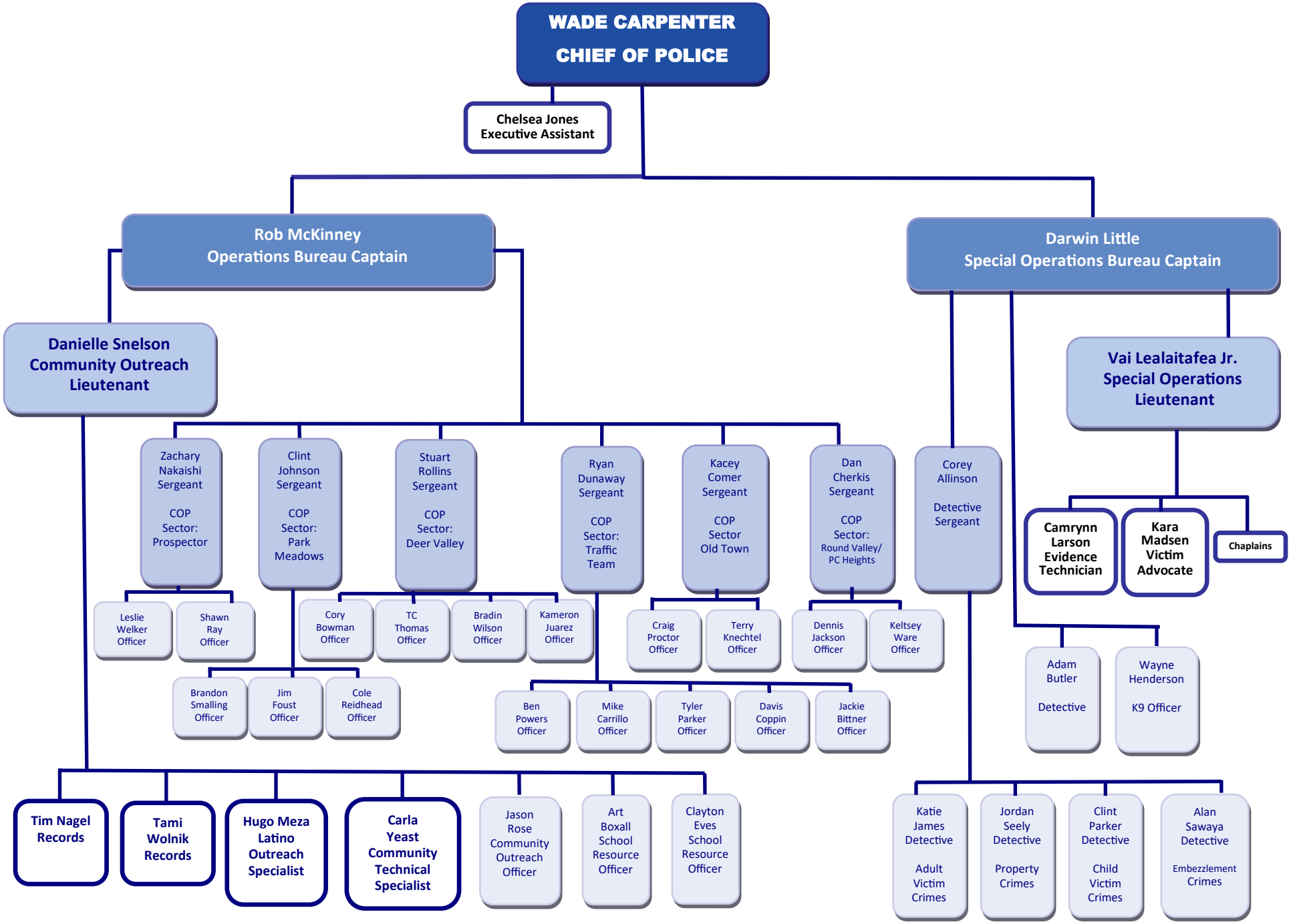
WADE CARPENTER
CHIEF OF POLICE
Chelsea Jones
Executive Assistant
Rob McKinney
Operations Bureau Captain
Darwin Little
Special Operations Bureau Captain
Danielle Snelson
Community Outreach
Lieutenant
Vai Lealaitafea Jr.
Special Operations
Lieutenant
Zachary Nakaishi
Sergeant
COP Sector: Prospector
Clint Johnson
Sergeant
COP Sector: Park Meadows
Stuart Rollins
Sergeant
COP Sector: Deer Valley
Ryan Dunaway
Sergeant
COP Sector: Traffic Team
Kacey Comer
Sergeant
COP Sector Old Town
Dan Cherkis
Sergeant
COP Sector: Round Valley/ PC Heights
Corey Allinson
Detective Sergeant
Camrynn Larson
Evidence Technician
Kara Madsen
Victim Advocate
Chaplains
Leslie Welker
Officer
Shawn Ray
Officer
Cory Bowman
Officer
TC Thomas
Officer
Bradin Wilson
Officer
Kameron Juarez
Officer
Craig Proctor
Officer
Terry Knechtel
Officer
Dennis Jackson
Officer
Keltsey Ware
Officer
Adam Butler
Detective
Wayne Henderson
K9 Officer
Brandon Smalling
Officer
Jim Foust
Officer
Cole Reidhead
Officer
Ben Powers
Officer
Mike Carrillo
Officer
Tyler Parker
Officer
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Carla Yeast
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Technical
Specialist
Jason Rose
Community Outreach
Officer
Art Boxall
School Resource
Officer
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Adult Victim Crimes
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Property Crimes
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Child Victim Crimes
Alan Sawaya
Detective
Embezzlement Crimes

INDEX / TOPICS

A

ADMINISTRATIVE INVESTIGATIONS
OIS. 77
ADMINISTRATIVE LEAVE. 632
ADULT ABUSE. 129
Investigations. 431
AIRCRAFT
Ambulance. 374
Flying while armed. 88
AIRCRAFT ACCIDENTS. 387
ALCOHOL
Intoxicants. 169
Vehicle use. 499
AMMUNITION. 84
ANIMAL CONTROL PROCEDURES. . . . 561
ANIMALS
Euthanize. 87
Injured. 87
Line-of-duty death. 701
APPOINTMENTS
Audio/video coordinator. 341
Community relations coordinator. 262
Operations director. 469
Petty cash fund manager. 514
ARRESTS
Authority. 11
Domestic violence. 109
First amendment assemblies. 385
ASSET FORFEITURE. 444
AUDIO/VIDEO RECORDING
Custodial interrogation. 431
OIS. 78
AUDITS
Informant files. 450
Petty cash. 514
Public safety video surveillance. 233
AUTHORITY. 10
Canine handler. 248
AVL. 498

B

BADGE
Mourning Badge. 668
BARRICADED SUSPECTS. 285
BIOLOGICAL SAMPLES
Hazards. 388, 686
BODY ARMOR. 641
BODY ARMOR
Suspects. 81
BOMBS. 290
Aircraft accidents. 388
MDT/MDC. 336
Portable audio/video recorders. 339
BREATH TESTS. 416

C

CANINES
Pursuits. 347
CASH
Audit. 453
Informants. 452
CASH. 514
CHANGE OF ASSIGNMENT. 646
CHAPLAINS. 235
CHIEF EXECUTIVE OFFICER. 13
CHILD ABUSE. 139
CHILDREN
Drug endangered. 142
Firearms. 86
Transporting. 639
CITE AND RELEASE. 298
CIVIL
Liability response. 78
Subpoenas. 190
CIVIL DISPUTES. 378
COMMUNICABLE DISEASES
Illness and injury prevention. 682
COMMUNICATIONS CENTER
Foot pursuits. 350
Mandatory sharing. 199
COMMUNICATIONS WITH HEARING
IMPAIRED OR DISABLED. 222
COMMUNITY ADVISORY COMMITTEE. . 265
COMMUNITY RELATIONS. 262
COMPUTERS
Digital evidence. 432
CONDUCT
Meritorious. 650
OIS. 71
CONFIDENTIALITY
Communications center. 524
Informants. 451
Radio broadcasts. 335
Surreptitious recording. 338
CONSTITUTIONAL REQUIREMENTS. . . 11
CONTACTS AND TEMPORARY DETENTIONS
Bias-based policing. 272

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CONTROL DEVICES. 55
CONTROL DEVICES. 55
CONTROL DEVICES
Training. 305
CORRESPONDENCE. 26
COURT ORDERS
Adult abuse. 130
Civil disputes. 378
Subpoenas. 189
Surreptitious recording. 338
CRIME SCENE AND DISASTER INTEGRITY. 277
CRIMINAL OFFENDER INFORMATION. 551
CRIMINAL STREET GANGS. 321
CRISIS INTERVENTION INCIDENTS. . . 368
CUSTODIAL INTERROGATIONS. . . . 431
CUSTOMS AND BORDER PROTECTION (CBP). 308

D

DAMAGE BY CITY PERSONNEL. . . . 180
DEATH
Chaplains. 238
Custody. 596
DEATH NOTIFICATION. 208
DEBRIEFING
Operation plans. 474
DEFECTIVE VEHICLES. 494
DEPARTMENTAL DIRECTIVE. 22
DISABLED
Motorist. 422
DISCLAIMER OF POLICIES. 15
DRIVING
MDT/MDC. 334
Safety. 169
DRIVING TACTICS. 95

E

ELECTRICAL LINES. 312
ELECTRONIC CIGARETTES. 628
ELECTRONIC MAIL. 25
EMERGENCY UTILITY. 312
EMPLOYEE COMMENDATIONS. 647
EVALUATION. 611
EVIDENCE
Bombs. 294
Digital. 432
Public safety video surveillance. 232
Seizing recordings. 361
EXPLOSIONS. 293
EXPOSURE CONTROL. 627
Reviews. 682
EXPOSURES. 282

F

FIELD IDENTIFICATION. 456
FIELS SOBRIETY TESTS. 415
FIREARMS. 80
Conduct. 169
FIREARM SERIAL NUMBERS. 540
FIRST AMENDMENT ASSEMBLIES. . . 381
FLYING WHILE ARMED. 88
FORMS
Child abuse and narcotics. 142
Risk assessment. 470

G

GANGS. 321
GANGS
Employee affiliation. 166
GRIEVANCE PROCEDURE. 617
GROOMING STANDARDS. 664

H

HANDCUFFING AND RESTRAINTS
Custody. 595
HAZARDOUS MATERIAL (HAZMAT) RESPONSE
Aircraft accidents. 388
HAZARDOUS MATERIALS RESPONSE. . 282
HAZARDS. 684
HAZMAT. 282
HEARING IMPAIRED. 222
HELICOPTER ASSISTANCE. 316
HOSTAGE AND BARRICADE INCIDENTS
Rapid response and deployment. . . . 305
HOSTAGES. 285

I

IDENTITY FRAUD. 210
ILLNESS AND INJURY PREVENTION. . 682
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE). 308
INFORMANTS. 450

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INSPECTIONS
Firearms. 81
Illness and injury prevention. . . . 682, 685
Personal protective equipment. 685
Vehicle. 501
Vehicles. 498, 685
INTERNAL AFFAIRS
Personnel records. 644
INVESTIGATION AND PROSECUTION. . . 431

J

JURISDICTION
Aircraft accidents. 388
Authority. 11
OIS. 71

L

LAW ENFORCEMENT AUTHORITY. . . 10
LEG RESTRAINT. 51
LIMITED ENGLISH PROFICIENCY. . . . 214
LIMITED ENGLISH PROFICIENCY
Communications center. 522
Immigration violations. 308
LIVE LINEUP. 456

M

MANDATORY EMPLOYER NOTIFICATION 230
MEAL PERIODS AND BREAKS. 654
MEDIA
Aircraft accidents. 389
First amendment assemblies. 385
OIS. 79
Operations plans. 473
Warrant service. 479
MEDIA RELATIONS. 185
MEDICAL
Aircraft accidents. 387
Examinations - adult abuse. 132
Examinations - Child abuse. 141
For canines. 253
Illness and injury prevention. 682
Leave Act (FMLA). 626
Personnel Records. 644
Releases. 374
MOBILE AUDIO/VIDEO (MAV)
OIS. 78
MOBILE AUDIO VIDEO. 327
MOBILE DIGITAL TERMINAL USE. . . 334
MODIFIED-DUTY ASSIGNMENTS. . . . 674
MUTUAL AID
Interstate peace officer powers. 11

N

NONSWORN
Crisis intervention incidents. 371
Vehicles. 499
NOTIFICATIONS
Aircraft accidents. 388
Cash. 515
Custody suicide attempt, death or serious injury. 596
Mandatory employer. 230
OIS. 73

O

OATH OF OFFICE. 14
OFFICER-INVOLVED SHOOTING
OIS. 71
OFFICER SAFETY
Communications center. 522
Crime scene and disaster integrity. . . . 277
Firearm confiscation. 72
Foot pursuits. 347
Immigration violations. 308
Informants. 454
Occupational hazards. 684
Portable audio/video recorders. 337
Seat belts. 639
Warrant service. 475
ON-DUTY INJURIES. 663
OPERATIONS PLANNING AND DECONFLICTION. 469
ORGANIZATIONAL STRUCTURE. . . . 19
OUTSIDE AGENCY ASSISTANCE. . . . 198
OUTSIDE EMPLOYMENT
Change in Status. 662
Obtaining Approval. 660
Prohibited Outside Employment. 660
OVERTIME
Court. 191
OVERTIME PAYMENT. 657

P

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PARKING. 499
PATROL FUNCTION. 270
PAWN SHOP HOLDS. 463
PERFORMANCE EVALUATIONS
Sick leave. 626
PERFORMANCE HISTORY AUDITS. . . 687
PERSONAL APPEARANCE. 664
PERSONAL PROTECTIVE EQUIPMENT. 516
PERSONNEL COMPLAINTS
Acceptance. 630
Administrative Searches. 634
Disposition. 635
Documentation. 631
PERSONNEL ORDERS. 26
PERSONNEL RECORDS. 643
PHOTOGRAPHIC LINEUP. 456
PHOTOGRAPHS
Aircraft accidents. 389
PHYSICAL AND MENTAL
EXAMINATIONS. 652
POLICY MANUAL. 15
PREGNANCY
Custody. 595
PRIVACY EXPECTATIONS
Audio/Video recordings. 337
MDT/MDC. 334
Vehicles. 498
PRIVATE PERSONS ARRESTS. 212
PROMOTION PROCESS. 614
PROPERTY AND EVIDENCE. 525
PROTECTED INFORMATION. 551
PROTECTED INFORMATION
Communications center. 524
PROTECTIVE CUSTODY
Dependent adults. 130
PUBLIC RECORDING OF LAW
ENFORCEMENT ACTIVITY. 360
PUBLIC SAFETY VIDEO SURVEILLANCE
VIDEO RECORDING
Audio/Video. 231
PURSUIT INTERVENTION. 99
PURSUITS
Foot. 347
PURSUIT UNITS. 94

R

RANGEMASTER
Firearms. 81
INSPECTIONS. 81
RAPID RESPONSE AND DEPLOYMENT. 304
RECORDS
Suspicious activity reports. 367
RECORDS BUREAU
Administrative hearings. 418
Impaired driving. 418
RECORDS RELEASE
Adult abuse. 133
Audio/video recordings. 342
Public safety video surveillance. 233
RECORDS REQUESTS
Personnel records. 645
RECORDS RETENTION
Audio/video recordings. 340, 341
Illness and injury prevention. 686
Oath of office. 14
Personnel records. 644
RECRUITMENT AND SELECTION. . . . 605
RELIGION
NAGPRA. 260
REPORT PREPARATION. 178
Report corrections. 181
RESERVE
Duties. 193
RESERVE OFFICERS
Training. 195
RESPONSE TO CALLS. 104
RESTRAINTS. 51
REVIEWS
Bias-based policing - annual. 273
Crisis intervention incidents. 371
Exposures. 682
Illness and injury prevention. 682
RIDE-ALONG. 279
Eligibility. 279
RISK ASSESSMENT. 470

S

SAFETY
Communications center. 522
Conduct. 169
First responder. 277
Inspections (occupational). 685
Occupational. 682
Personal protective equipment. 516
SAFETY EQUIPMENT
Seat belts. 639
SEARCHES. 499
SEARCHES
Crime scene. 277
Police vehicle inspections. 498
SEARCH WARRANTS. 476
SECURITY

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Personnel records. 645
SICK LEAVE. 626
SMOKING AND TOBACCO USE. 628
SPIT HOOD. 52
SPIT MASK. 52
STAFFING LEVELS. 27
STANDARDS OF CONDUCT. 164
SUBPOENAS. 189
SUBPOENAS AND COURT APPEARANCES 189
SURVEILLANCE
Imaging notification. 478
SUSPICIOUS ACTIVITY REPORTING. . 366

T

TERMINATE A PURSUIT. 93
TRAFFIC COLLISION REPORTING. . . 406
TRAFFIC SIGNAL. 312
TRAINING. 554
TRAINING
Adult abuse. 133
Communicable disease. 627
Community Development. 266
Crisis intervention incidents. 372
Fair and objective policing. 273
Firearms. 86
First amendment assemblies. 386
Hazardous materials. 686
Occupational safety. 685
Operation planning and deconfliction. . 474
Personal protective equipment. 520
Public safety video surveillance. 234
Rapid response and deployment. 305
Records maintenance and release. . . . 546
Training plan. 32
TRANSFER PROCESS. 614

U

UNIFORM REGULATIONS. 666
UNIFORMS
Courtroom attire. 190
URINE TESTS. 417
UTILITY SERVICE. 312

V

VEHICLE MAINTENANCE. 494
VEHICLE PURSUITS. 91
VEHICLES. 499
VEHICLES. 497
Maintenance. 501

W

WARNINGS
Canine. 250
WARRANT SERVICE. 475
WASHING OF VEHICLES. 496
WATCH COMMANDERS. 326
WATER LINES. 312

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