

## **BUREAU OF INVESTIGATIONS SPECIFIC POLICIES AND PROCEDURES**

### **5.00 BUREAU AUTHORITY AND JURISDICTION**

The purpose of this policy is to affirm the authority of sworn officers of the Utah County Attorney's Office Bureau of Investigations to perform their functions based on established legal authority. Any policy herein that contradicts or otherwise is addressed within the policies of Human Resource/County Policies, the Human Resource/County Policy will be followed.

#### **5.00.1 PEACE OFFICER POWERS**

Sworn officers of the Bureau shall be considered peace officers pursuant to Utah Code 53-13-102 and Utah Code 53-13-103. Sworn officers will here be referred to in this policy as, Member, Officer, or Investigator. Non-sworn personnel will be referred to as member.

#### **5.00.2 ARREST AUTHORITY WITHIN THE JURISDICTION OF UTAH COUNTY**

The arrest authority within the jurisdiction of the Bureau of Investigations includes:

- (a) In compliance with an arrest warrant.
- (b) Without a warrant (Utah Code 77-7-2):
  - For a public offense committed or attempted in the presence of an officer.
  - When an officer has reasonable cause to believe that a felony or class A misdemeanor has been committed.
  - When an officer has reasonable cause to believe that a public offense has been committed and the person to be arrested may flee or conceal him/herself to avoid arrest, destroy or conceal evidence or injure another person or damage property.
- (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).

#### **5.00.3 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE BUREAU OF INVESTIGATIONS**

The arrest authority of officers outside the jurisdiction of the Bureau of Investigations 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 Bureau of Investigations 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.

#### **5.00.4 CONSTITUTIONAL REQUIREMENTS**

All members shall observe and comply with every person's clearly established rights under the

United States and Utah Constitutions.

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

While this Bureau 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 Bureau does not tolerate abuse of law enforcement authority.

#### **5.00.5 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:

- In Colorado, to arrest the person for a crime committed in Utah (CRS § 16-3-104).
- 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).

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)).

#### **5.00.6 SWEARING TO OATH OF OFFICE**

Officers of the Bureau are sworn to uphold the federal and state constitutions and to enforce federal, state, and local laws.

The Bureau Chief or the person he/she designates will insure that upon being hired by Utah County Attorney's Office each sworn employee verbally affirms and swears to the oath of office as stated below.

**“I do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Utah and that I will discharge the duties of my office with fidelity.”**

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

All Bureau 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."

#### **5.00.6.1 MAINTENANCE OF RECORDS**

The oath of office shall be filed as prescribed by law (Utah Code 52-1-3).

#### **5.00.7 BUREAU ORGANIZATION AND COMMAND STRUCTURE**

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

- (a) The Bureau operates under the direction of the County Attorney.
- (b) The Bureau Chief is the primary supervisor of all Bureau personnel and is primarily responsible for all Bureau operations.
- (c) All officers and support personnel carry out duties as assigned by the Bureau Chief and as indicated by their job description.

If the Bureau Chief is out of state, medically incapacitated or not reasonably available to communicate, the Bureau Chief may designate an officer who will be acting Bureau Chief. In the absence of such designation, the County Attorney will designate who will be acting Bureau Chief.

## **5.01 BUREAU DIRECTIVE PROTOCOL**

Bureau Directives establish an inter Bureau communication that may be used by the Bureau Chief to make immediate changes to policies. Bureau Directives will immediately modify or change and supersede sections of this manual to which they pertain.

- (a) Bureau Directives will be incorporated into the manual as required upon approval of Staff. Bureau Directives will modify an existing policy or create a new policy as appropriate and will be rescinded upon incorporation into the manual.
- (b) All existing Bureau Directives have been incorporated in the updated Policy Manual as of the below revision date.
- (c) Any Bureau Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 23-01 signifies the first Bureau Directive for the year 2023.

## **5.02 TRAINING**

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

The Bureau seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates.

### **5.02.1 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 our personnel.
- (c) Provide for continued professional development of Bureau personnel.

All officers are required to maintain training hours as required by state law to maintain Law Enforcement certification through POST. Training hours commence on July 1<sup>st</sup> through June 30<sup>th</sup> of the following year. These hours include any specified and specific training hours as required by state law and approved by POST and Bureau Chief. i.e. mental health and other crisis intervention responses, arrest control, and de-escalation training (Utah Code 53-6-202). Officers will input their training into Spillman throughout the year, completing that process by the end of June each year.

The Bureau Chief will ensure that all officers obtain sufficient and appropriate training and that training records are timely submitted to POST by the designated bureau employee.

Officers should plan in advance with the Bureau Chief for yearly training. The Office will pay for training approved in advance by the County Attorney but will not pay for unapproved training. Officers attending training should attend all sessions of the training unless they are sick, and use reported sick hours or have an unanticipated and conflicting court hearing.

#### **5.02.2 REPORTING**

The Training Officer shall ensure that all required training records are forwarded to POST in the appropriate format pursuant to Utah Administrative Code Rule 728-410-6.

#### **5.03 USE OF FORCE**

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

Definitions related to this policy include:

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

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.

#### **5.03.2 POLICY**

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved daily in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Bureau 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.

#### **5.03.3 DUTY TO INTERCEDE**

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

#### **5.03.4 USE OF FORCE**

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

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

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

use of force in each incident.

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

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical harm. Officer may use reasonable force to effect arrest, to prevent escape or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Utah Code 77-7-7).

#### **5.03.5 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:

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

#### **5.03.6 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 Bureau-approved training. 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 person can comply with the direction or orders of the officer.
- (c) Whether the person 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.

### **5.03.7 CAROTID CONTROL AND CHOKE HOLDS**

The use of carotid control holds, restraints, or techniques are not authorized, and officers shall not attempt to render an individual unconscious through the use of bi-lateral carotid artery restriction.

Officers are strictly prohibited from applying choke holds or direct force to the mouth, neck, or throat that will intentionally compress the airway or restrict an individual's ability to breathe unless the officer reasonably believes that the use of deadly force is necessary to prevent serious bodily injury or death to the officer or other person(s).

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

### **5.03.8 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 Bureau of Investigations for this specific purpose.

### **5.03.9 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be 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 person 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 any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

- The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
- The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

### **5.03.10 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

### **5.03.11 REPORTING THE USE OF FORCE**

Any use of force by a member of this Bureau shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Bureau may require the completion of additional report forms, as specified in Bureau policy, procedure or law.

### **5.03.12 NOTIFICATION 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 an TASER® 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 any of the above has occurred.

### **5.03.13 MEDICAL CONSIDERATION**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse

sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

#### **5.03.14 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved 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.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - The content of the interview should not be summarized or included in any related criminal charges.
  - The fact that a recorded interview was conducted should be documented in a property or other report.
  - The recording of the interview should be distinctly marked for retention until all potential civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential 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 subject may pursue civil litigation. If there is an indication of potential civil litigation, the supervisor should complete the related reports 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 non-compliance or if for any reason further investigation may be appropriate.

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

#### **5.03.15 BUREAU CHIEF RESPONSIBILITY**

The Bureau Chief 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.

#### **5.03.16 USE OF FORCE REVIEW BOARDS**

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

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



evaluation of the use of deadly force. The Bureau of Investigations 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.

#### **5.03.17 REMOVAL FROM LINE DUTY ASSIGNMENT**

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

#### **5.03.18 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 Bureau Chief may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Bureau Chief will convene the Use of Force Review Board as necessary. It will be the responsibility of the Bureau Chief to ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

#### **5.03.19 COMPOSITION OF THE BOARD**

The Board will consist of the Bureau Chief, a designated officer, and a deputy county attorney designated by the County Attorney. If the Bureau Chief is involved in a use of force, the County Attorney or his designee will convene the Board and select a officer from any county or County police agency to replace the Bureau Chief on the Board.

#### **5.03.20 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 Bureau Chief 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, Bureau policies, procedures,

and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

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

The board shall make one of the following recommended findings:

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

The Bureau Chief shall review the recommendation. The County Attorney, after consultation with the Bureau Chief, will determine whether any administrative/personnel action is appropriate.

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

#### **5.03.21 REVIEWS OF USE OF FORCE THAT DO NOT RISE TO THE LEVEL OF VERY SERIOUS BODILY INJURY OR DEATH TO ANOTHER**

The Bureau Chief shall review all use of force incidents including those that do not rise to the level of very serious bodily injury or death to another.

This review may result in disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews as may be appropriate.

At the conclusion of these reviews all relevant reports and information will be filed with the Bureau Chief.

#### **5.03.22 HANDCUFFING AND RESTRAINTS**

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

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

#### **5.03.23 USE OF RESTRAINTS**

Only members who have successfully completed Bureau of Investigations-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:

- (a) The circumstances or crime leading to the arrest.
- (b) The demeanor and behavior of the arrested person.
- (c) The age and health of the person.
- (d) 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.

(e) Whether the person has any other apparent disability.

#### **5.03.24 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.

#### **5.03.25 RESTRAINT OF PREGNANT PERSONS**

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

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

#### **5.03.26 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.

#### **5.03.27 RESTRAINT OF SICK/INJURED/DISABLED PRISONERS**

If a prisoner is sick, injured or disabled, the officer will, whenever reasonable and practical, summon medical personnel to examine the prisoner prior to transport. The officer may use discretion in handcuffing sick, injured, or disabled prisoners, first assessing the security hazard and considering the safety of officers and others.

At the discretion of the officer(s), handcuffs and additional restraining devices may be used if mentally disturbed prisoners are a threat to themselves or others or present a security hazard. Subject to supervisory discretion, if emergency hospital care is necessary, at least one (1) officer will ride with the prisoner in the ambulance.

(a) The prisoner must be searched prior to transport.

(b) The officer will remain with the prisoner (unless prevented by emergency circumstances) until released from custody or until appropriate security can be arranged.

#### **5.03.28 NOTIFICATIONS**

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

#### **5.03.29 SECURITY AND CONTROL OF PRISONERS IN MEDICAL FACILITY**

Prior to removing any violent prisoner or any potentially violent person from a police vehicle,

the officer should request and wait for hospital security to arrive.

For security and safety, the prisoner should remain handcuffed at all times. Where this is not practical for the treatment of the prisoner, the officer should:

- (a) Assess the risk the prisoner may present to others and himself or herself and advise medical staff prior to the removal of the restraints.
- (b) If restraints must be removed for treatment, have hospital personnel use alternative restraints as determined by risk assessment. Request additional officers if necessary. Replace alternative restraints with normal restraints as soon as treatment is completed.

If required, subject to supervisory discretion, an officer(s) guarding the prisoner should be rotated at regular intervals to avoid complacency.

The on-duty Patrol Sergeant should arrange periodic courtesy checks to ensure the well-being of the guarding officer.

Search the prisoner prior to transport to and from the medical facility.

Ensure the prisoner does not have contact with visitors.

If the prisoner is admitted, the officer is to contact the on-duty Patrol Sergeant to arrange for 24-hour guard coverage.

Transportation of any prisoner to a medical facility must be documented in the police report.

#### **5.03.30 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 Bureau. 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.

#### **5.03.31 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 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.

### **5.03.32 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

### **5.03.33 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 Bureau 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 his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

### **5.03.34 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 his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (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.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other

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

### **5.03.35 ESCAPE OF PRISONER**

If a prisoner escapes from custody, the officer will immediately:

1. Notify Dispatch via radio, giving as much of the following information as possible:
  - (a) Location of escape. Direction of flight.
  - (b) Description of escapee.
  - (c) Possible destination, if known.
  - (d) Prisoners name, if known.
  - (e) Criminal charges.
  - (f) Any other pertinent information.
2. Pursue the prisoner if possible.
3. Dispatch will immediately notify other agencies as appropriate.
4. Make a thorough search of the area for the escaped suspect.
- 5.

### **5.03.36 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.

### **5.04 OFFICER-INVOLVED SHOOTING AND DEATHS**

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 Bureau Chief may decide that the investigation will follow the process provided in this policy.

The policy of the Bureau of Investigations is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair, and impartial manner.

#### **5.04.1 TYPES OF INVESTIGATIONS**

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

#### **5.04.2 CONTROL OF INVESTIGATIONS**

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

#### **5.04.3 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 Bureau is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this Bureau to assist in the investigation of a shooting or death involving an outside agency's officer shall be referred to the Bureau Chief or the authorized designee for approval.

#### **5.04.4 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.

#### **5.04.5 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.

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 venue agency Chief and with concurrence from the other involved agencies.

#### **5.04.6 INVESTIGATION PROCESS**

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

#### **5.04.7 UNINVOLVED OFFICER RESPONSIBILITIES**

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

#### **5.04.8 SUPERVISOR RESPONSIBILITIES**

Upon arrival at the scene, the first uninvolved venue 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.
- (b) 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.

If necessary, the supervisor may administratively order any officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

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.

The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

Provide all available information to the venue Chief and Dispatch. If feasible, sensitive information should be communicated over secure networks.

Take command of and secure the incident scene with additional officers until properly relieved by another supervisor or other assigned personnel or officer.

As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

Each involved officer should be given an administrative order not to discuss the incident with other involved officers or officers pending further direction from a supervisor.

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.

#### **5.04.9 NOTIFICATIONS**

The following persons shall be notified as soon as practicable:

- (a) Venue Chief
- (b) Bureau Chief
- (c) Utah County Attorney
- (d) Officer Involved Incident Protocol Task Force rollout team
- (e) Outside agency officers (if appropriate)
- (f) Psychological/peer support personnel
- (g) Medical Examiner (if necessary)
- (h) Involved officer's agency representative (if requested)

#### **5.04.10 INVOLVED OFFICERS**

The following shall be considered for the involved officer: Any request for legal or union representation will be accommodated.

Involved Bureau 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.

Requests from involved non-BUREAU officers should be referred to their employing agency.

Discussions with licensed attorneys will be considered privileged as attorney-client communications.

Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.

A licensed psychotherapist shall be provided by the Bureau to each involved BUREAU



officer.

A licensed psychotherapist may also be provided to any other affected BUREAU members, upon request.

Interviews with a licensed psychotherapist will be considered privileged.

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.

A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

Communications with a peer support team member will be considered privileged to the extent provided in Utah Code 78B-5-903.

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

Each involved BUREAU officer shall be given reasonable paid administrative leave following an officer-involved shooting or death.

#### **5.04.11 CRIMINAL INVESTIGATION**

The Utah 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 Bureau may be assigned to partner with officers from outside agencies to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal officers 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) BUREAU supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of involved BUREAU officers. This will not prohibit such personnel from monitoring interviews or providing the criminal officers 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 officers. 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 officers, 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 officers unless the officer consents.

#### **5.04.12 REPORTS BY INVOLVED BUREAU OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses,

this Bureau shall retain the authority to require involved BUREAU officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved BUREAU officers may write the report, it is generally recommended that such reports be completed by assigned officers, 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 BUREAU 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.

#### **5.04.13 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 officers to utilize available law enforcement personnel for the following:

Identification of all persons present at the scene and in the immediate area.

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.

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.

Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal officers may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Bureau.

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.

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.

#### **5.04.14 INVESTIGATIVE PERSONNEL**

Once notified of an officer-involved shooting or death, it shall be the responsibility of the Bureau Chief to assign appropriate investigative personnel to handle the investigation of related crimes. Bureau officers will be assigned to work with officers from the OICI team and may be assigned to separately handle the investigation of any related crimes not being investigated by the OICI team.

All related Bureau reports, except administrative and/or privileged reports, will be forwarded to the designated OICI Commander for approval. Privileged reports shall be maintained

exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

#### **5.04.15 STATUTORY MANDATES RELATED TO CRIMINAL INVESTIGATIONS OF CRITICAL INCIDENTS**

The venue officer or venue Chief shall notify the Prosecuting Attorney as soon as practical if the following critical incidents occur within the jurisdiction of the Venue Agency, whether or not an involved law enforcement officer is a venue 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 Venue Chief or authorized designee and the County Attorney shall jointly designate an agency to criminally investigate the actions of a law enforcement officer involved in a critical incident, as appropriate, and may jointly designate a lead agency if more than one agency will be involved. An agency other than the Venue Agency will criminally investigate the actions of officers who may have caused or contributed to a critical incident (Utah Code 76-2-408).

#### **5.04.16 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with a Bureau investigator being an officer-involved shooting or death, this Bureau will conduct an internal administrative investigation to determine conformance with all Bureau policy. This investigation will be conducted under the supervision of the Bureau Chief or Internal Affairs Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to Bureau 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 officers, the assigned administrative officer should review that statement before proceeding with any further interview of that involved officer.

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 rights prior statement before proceeding with any subsequent interviews.

In the event that an involved officer has elected not to provide criminal officers with a voluntary statement, the assigned administrative officer shall conduct an administrative interview to determine all relevant information.

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.

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.

Administrative interviews should be recorded by the investigative officer. The involved officer may also record the interview.

The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

The Bureau Chief or Internal Affairs Unit shall compile all relevant information and reports necessary for the Bureau to determine compliance with applicable policies.

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.

Any other indications of a potential violation of any policy shall be determined in accordance with standard disciplinary procedures.

#### **5.04.17 CIVIL LIABILITY RESPONSE**

A member of this Bureau may be assigned to work exclusively under the direction of the legal counsel for the Bureau 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.

#### **5.04.18 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 officers 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.

#### **5.04.19 DEBRIEFING**

Following an officer-involved shooting or death, the Bureau of Investigations should conduct both a critical incident/stress debriefing and a tactical debriefing.

#### **5.04.20 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Bureau directly involved in the incident, which can include support personnel (e.g., dispatcher, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Bureau, including supervisory and Internal Affairs Unit personnel.

#### **5.04.21 TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Bureau Chief 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 officers.

#### **5.04.22 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor representative responsible for each phase of the investigation. Releases will be available to the Bureau Chief in the event of inquiries from the media.

No involved BUREAU officer shall make any comment to the media unless he/she is authorized by the Bureau Chief.

Bureau 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.

#### **5.04.23 BUREAU WEBSITE**

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

### **5.05 FIREARMS**

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. The Bureau of Investigations will equip its officers with firearms to address the risks posed to the public and Bureau officers by violent and sometimes well-armed persons. The Bureau will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

#### **5.05.1 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS**

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

All other weapons not provided by the Bureau, 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 Bureau policy, may not be carried by officers in the performance of their official duties without the express written authorization of the Bureau Chief. This exclusion does not apply to the carrying of a single folding pocketknife that is not

otherwise prohibited by law.

### **5.05.2 HANDGUNS**

The authorized Bureau-issued handgun are those inspected and approved by the Rangemaster and reviewed by Bureau Chief is issued by the department.

### **505.3 PERSONALLY OWNED DUTY FIREARMS**

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

- (a) The firearm shall be in good working order.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, officers shall qualify under range supervision and thereafter shall qualify in accordance with the Bureau qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Officers 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.

### **505.4 AUTHORIZED SECONDARY HANDGUN**

Officers desiring to carry Bureau or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order.
- (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 officer unless the handgun and ammunition are provided by the Bureau.
- (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 Bureau issue. If the caliber of the handgun is other than Bureau issue, the Bureau Chief or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, officers shall qualify under range supervision and thereafter shall qualify in accordance with the Bureau qualification schedule. Officers must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Officers 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.

### **5.05.5 AUTHORIZED OFF-DUTY FIREARMS**

The carrying of firearms by officers while off-duty is permitted by the Bureau Chief but may be rescinded should circumstances dictate (e.g., administrative leave). Officers 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) Personally owned firearms shall be used, carried, and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

- (b) The purchase of the personally owned firearm and ammunition shall be the responsibility of the officer.
- (c) The firearm shall be always carried concealed and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
- (d) It will be the responsibility of the officer 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.
- (e) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried out in a safe manner.
- (f) The officer will successfully qualify with the firearm prior to it being carried.
- (g) Officers 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.
- (h) If a officer desires to use more than one firearm while off-duty, he/she may do so, if all requirements set forth in this policy for each firearm are met.
- (i) Officers shall only carry Bureau-authorized ammunition.
- (j) When armed, officers shall carry their badges and Bureau of Investigations identification cards under circumstances requiring possession of such identification.

#### **5.05.6 AMMUNITION**

Officers shall carry only Bureau-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all Bureau-issued firearms during the officer's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Bureau shall be dispensed by the Rangemaster when needed, in accordance with established policy. Officers carrying personally owned authorized firearms of a caliber differing from Bureau-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### **5.05.7 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 officer.

#### **5.05.8 REPAIRS OR MODIFICATIONS**

Each officer 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 Bureau or personally owned firearms that are approved for Bureau use may be repaired or modified only by a person who is Bureau-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 officer's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

#### **5.05.9 HOLSTERS**

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

#### **5.05.10 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 officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

#### **5.05.11 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 officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

#### **5.05.12 SAFE HANDLING, INSPECTION AND STORAGE**

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

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Officers shall not clean, repair, load or unload a firearm anywhere in the Bureau, 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) Officers shall not place or store any firearm or other weapon on Bureau premises except where the place of storage is locked.
- (f) Officers 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 Bureau to be carried on-or off-duty that is determined by a officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Bureau or a Rangemaster approved by the Bureau 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 officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

#### **5.05.13 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 officer to whom the weapon is issued. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Bureau-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.

#### **5.05.14 STORAGE AT HOME**

Officers 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. Officers shall not permit Bureau-issued firearms to be handled by anyone not authorized by the Bureau to do so. Officers should be aware that negligent storage of a firearm could result in civil liability.

#### **5.05.15 ALCOHOL AND DRUGS**

Firearms shall not be carried by any officer, 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 officer's senses or judgment.

#### **5.05.16 FIREARMS TRAINING AND QUALIFICATIONS**

All officers who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all officers will qualify at least annually with their duty firearms. Officers 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 officers carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

#### **5.05.17 NON-CERTIFICATION OR NON-QUALIFICATION**

If any officer fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that officer 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 officer in demonstrating proficiency.
- b) Officers 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:
  - i. Unauthorized range make-up
  - ii. Failure to meet minimum standards or qualify after remedial training
- d) Officers who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

#### **5.05.18 FIREARM DISCHARGE**

Except during training or recreational use, any officer 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 officer 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 officer shall file a written report with his/her

Division Commander or provide a recorded statement to officers 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.

#### **5.05.19 DESTRUCTION OF ANIMALS**

Officers 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, Bureau officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

#### **5.05.20 INJURED ANIMALS**

With the approval of a supervisor, a officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Before destroying the animal, the officer shall obtain either the judgment of a veterinarian or of two reputable citizens called by the officer to view the animal in the presence of the officer or shall obtain consent to the destruction from the owner of the animal (Utah Code 76-9-305(3)).

#### **5.05.21 WARNING AND OTHER SHOTS**

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

#### **5.05.22 RANGEMASTER DUTIES**

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

The range shall remain operational and accessible to Bureau officers during hours established by the Bureau.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of the Bureau 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 officer 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 officer is authorized to carry.

The Rangemaster shall complete and submit to the Training Officer documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the

Bureau, a list of each officer 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 Officer.

#### **5.05.23 FLYING WHILE ARMED**

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Bureau based on the law and published TSA rules.
- (b) Officers must carry their Bureau of Investigations identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Bureau Chief or the official seal of the Bureau 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).

The Bureau of Investigations must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Bureau of Investigations 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.

An official letter signed by the Bureau Chief 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.

Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the Bureau-appointed instructor. 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.

Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

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.

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.

Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **5.05.24 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this Bureau 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 Bureau of Investigations identification card whenever

carrying such firearm.

- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other Bureau 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.

## 5.06 VEHICLE PURSUITS

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 Bureau 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.

### 5.06.1 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 (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.

#### **5.06.2 OFFICER RESPONSIBILITIES**

It shall be the policy of the Bureau 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.

#### **5.06.3 WHEN TO INITIATE A PURSUIT**

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

- a. The suspect exhibits the intention to avoid apprehension through evasive or unlawful tactics.
  - b. The suspect operating the vehicle refuses to stop at the direction of the officer.
  - c. The suspect's actions are such that failure to pursue would further enhance the danger presented to the public.
  - d. Bureau 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):
  - e. The performance capabilities of the pursuit vehicle.
  - f. The condition of the road surface upon which the pursuit is being conducted.
- (a) The amount of vehicular and pedestrian traffic in the area.
  - (b) The weather conditions.
  - (c) The offense for which the subject will be pursued.
  - (d) Any potential or existing hazards.
  - (e) Familiarity with the area and road.
  - (f) Any other pertinent factors.

#### **5.06.4 WHEN TO TERMINATE A PURSUIT**

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates

that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed above are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists 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.
- (k) Air support is available to track the suspect. Pursuits will terminate at the state line, unless exigent circumstances exist.

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

#### **5.06.4 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.

#### **5.06.5 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.

### **5.06.6 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

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

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

### **5.06.7 PRIMARY UNIT RESPONSIBILITIES**

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

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

The pursuing officer shall immediately notify Dispatch 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 Dispatch 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.

### **5.06.8 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.

### **5.06.9 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:

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.

#### **5.06.10 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.

#### **5.06.11 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.

#### **5.06.12 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.

#### **5.06.13 SUPERVISORY CONTROL AND RESPONSIBILITY**

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this Bureau. 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:

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

Upon becoming aware that a pursuit has been initiated, the supervisory should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and



requirements of this policy. The supervisory has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command. The supervisory shall review all pertinent reports for content and forward to the Bureau Chief.

#### **5.06.14 COMMUNICATIONS**

If the pursuit is confined within the County 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 Bureau 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.

#### **5.06.15 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.

#### **5.06.16 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.

#### **5.06.17 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 Bureau of Investigations 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 Bureau 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 Bureau, the other agency should relinquish control.

#### **5.06.18 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this Bureau 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 Bureau may join the pursuit until sufficient units from the initiating agency join the pursuit.

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

- (a) The Bureau'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 should review a request for assistance from another agency. The supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of the Bureau will terminate at the County limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this Bureau 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.

#### **5.06.19 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.

#### **5.06.20 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 Bureau-approved training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (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.

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

Channelization is considered a forcible stop technique, but does not require the justification of

deadly force.

- (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.

This technique should only be used when all other reasonable means of apprehension have been considered and rejected as impractical, e.g., air support, allied agency assistance, tire deflating devices or boxing-in; when the apparent risk of harm to other than the occupants of the pursued vehicle is so great as to outweigh the risk of harm in making the forcible stop; when the pursuing officer believes that the continued movement of the pursued vehicle would place others in danger of great bodily harm or death.

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

- (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:

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

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

- (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.

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

Boxing-in shall not be used when it is necessary to use citizens to 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:

Allow the suspect vehicle reasonable stopping distance.

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

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

Reasonably ensure the safety of uninvolved pedestrians and motorists.

#### **5.06.21 USE OF FIREARMS**

An officer's discharge of a firearm at or from a moving vehicle shall follow this Bureau'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).

#### **5.06.22 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.

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.

#### **5.06.23 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:
  - Duration
  - Mileage
  - Number of officers involved
  - Maximum number of units involved
  - Time of day
  - Weather conditions
  - 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:
  - Date and time of pursuit

- Length of pursuit
- Involved units and officers
- Initial reason for pursuit
- Starting and termination points
- Disposition: arrest, citation, arrestee information if applicable
- Injuries and/or property damage
- Medical treatment
- Name of supervisor at scene

(k) A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.

#### **5.06.24 REGULAR AND PERIODIC PURSUIT TRAINING**

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

All Bureau 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).

#### **5.06.25 POLICY REVIEW**

Each sworn employee of the Bureau shall certify in writing that he/she has received, read and understands this policy initially and upon any amendments.

#### **5.06.26 MANDATORY COUNSELING**

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

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

#### **5.06.27 CHIEF REVIEW**

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

#### **5.06.28 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.

#### **5.07 RESPONSE TO CALLS**

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

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.

#### **5.07.1 REQUESTING EMERGENCY ASSISTANCE**

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Dispatch.

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

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

#### **5.07.2 NUMBER OF UNITS ASSIGNED**

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

#### **5.07.3 INITIATING CODE 3 RESPONSE**

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

#### **5.07.4 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 Dispatch. 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.

#### **5.07.5 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-3 response has been initiated, the Bureau Chief 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 Bureau Chief or the field supervisor should consider the following:

- (a) The type of call
- (b) The necessity of a timely response
- (c) Traffic and roadway conditions
- (d) The location of the responding units

#### **5.07.6 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 Bureau Chief, field supervisor, or Dispatch of the equipment failure so that another vehicle may be assigned to the emergency response.

#### **5.08 SEARCH AND SEIZURE**

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 Bureau of Investigations personnel to consider when dealing with search and seizure issues.

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

The Bureau 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.

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

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

- (a) Valid consent
- (b) Incident to lawful arrest
- (c) Legitimate community caretaking interests
- (d) Vehicle searches under certain circumstances
- (e) 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 Bureau is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law. Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

#### **5.08.1 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)).

#### **5.08.2 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.
  - Training or testing may not be conducted as part of a criminal investigation or law enforcement activity.
  - Testing or training requires the consent of the individuals imaged and the owners of the property to be imaged.
- (c) Exigent circumstances exist.
- (d) While in fresh pursuit of a person suspected of committing a felony.

#### **5.08.3 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 Bureau will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) 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.

#### **5.08.4 DOCUMENTATION**



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

- (a) Reason for the search
- (b) Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- (c) What force, if any, was used to execute the search
- (d) Whether an announcement was made prior to or after entry into the premises
- (e) What, if any, injuries, or damage occurred
- (f) All steps taken to secure property
- (g) The results of the search, including a description of any property or contraband seized.
- (h) 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

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

## **5.09 VICTIM AND WITNESS ASSISTANCE**

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.

The Bureau of Investigations is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Bureau of Investigations will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### **5.09.1 CRIME VICTIM ADVOCATE**

The crime victim advocate/coordinator will be the point of contact for individuals requiring further assistance or information from the Bureau of Investigations 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.

### **5.09.2 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 Bureau material or available victim resources.

### **5.09.3 WITNESSES**

Officers should never guarantee a witness' 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.

### **5.09.4 VICTIM ASSISTANCE FOR STALKING**

Officers investigating allegations of stalking should take reasonable steps to protect the victim and any family or household member. (Utah Code 76-5-106.5)

## **5.10 STANDARDS OF CONDUCT**

This policy establishes standards of conduct that are consistent with the values and mission of the Bureau of Investigations and are expected of all Bureau members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual as well as any additional guidance on conduct that may be disseminated by this Bureau or the member's supervisors.

The continued employment or appointment of every member of the Bureau of Investigations 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.

### **5.10.1 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 Bureau service.

- a. Acceptance of fees, gifts, or money contrary to the rules of this Bureau and/or laws of the state.
- b. Offer or acceptance of a bribe or gratuity.
- c. Misappropriation or misuse of public funds, property, personnel, or services.
- d. The unauthorized personal use of public money or public property in violation of Utah Code 76-8-402.
- e. Any other failure to abide by the standards of ethical conduct.

### **5.10.2 DISCRIMINATION, OPPRESSION OR FAVORITISM**

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification 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.

### **5.10.3 RELATIONSHIPS**

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this Bureau.
- (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 Bureau.

#### **5.10.4 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 place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

#### **5.10.5 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 Bureau.
- (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 Bureau for personal or financial gain or without the express authorization of the Bureau Chief or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Bureau of Investigations badge, uniform, identification card or Bureau property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using Bureau resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment, and non-subpoenaed records.

#### **5.10.6 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 Bureau within 24 hours of any change in residence address, contact telephone numbers or marital status.

#### **5.10.7 PERFORMANCE**

- (a) Failure to disclose or misrepresent material facts or make any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Bureau 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 Bureau-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this Bureau or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such

conduct disrupts the efficiency of this Bureau or subverts the good order, efficiency, and discipline of this Bureau 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:
- While on Bureau premises.
  - At any work site, while on-duty or while in uniform, or while using any Bureau equipment or system.
  - 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.
  - Improper political activity including:
    - Unauthorized attendance while on-duty at official legislative or political sessions.
    - Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or, on Bureau property or while in any way representing him/herself as a member of this Bureau, except as expressly authorized by County policy, the collective bargaining agreement, or the Bureau Chief.
    - Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement, or the Bureau Chief.
  - Any act on- or off-duty that brings discredit to this Bureau.

#### **5.10.8 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 Bureau or the County.
- (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 Bureau.
- (i) Unauthorized possession of, loss of, or damage to Bureau property or the property of others or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of Bureau property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of Bureau 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 Bureau Chief 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 Bureau, is contrary to good order, efficiency, or morale, or

tends to reflect unfavorably upon this Bureau or its members.

#### **5.10.9 SAFETY**

- (a) Failure to observe or violate Bureau safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to perform law enforcement duties adequately and safely.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the workplace, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### **5.10.10 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.

#### **5.10.11 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from any Bureau supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### **5.10.12 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 Bureau 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, Bureau policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the

issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

#### **5.10.13 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to report any known misconduct of a member promptly and fully 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.

#### **5.10.14 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.

#### **5.10.15 SUBPOENAS AND COURT APPEARANCES**

This policy establishes the guidelines for Bureau members who must appear in court. It will allow the Bureau of Investigations to cover any related work absences and keep the Bureau informed about relevant legal matters. Bureau of Investigations members will respond appropriately to all subpoenas and any other court-ordered appearances.

#### **5.10.16 SUBPOENAS**

Only Bureau members authorized to receive a subpoena on behalf of this Bureau 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).

#### **5.10.17 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 County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other County, 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 Bureau of Investigations.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Bureau of Investigations.

The supervisor will then notify the Bureau Chief and the appropriate prosecuting attorney as may be indicated by the case. The Bureau Chief should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### **5.10.18 CIVIL SUBPOENA**

The Bureau 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 Bureau should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **5.10.19 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.

#### **5.10.20 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.

#### **5.10.21 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Bureau.

If a member on standby changes his/her location during the day, the member shall notify the designated Bureau 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.

#### **5.10.22 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.

#### **5.10.23 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Utah, any county, or their officers and employees in which any of those entities are parties, will notify the Bureau Chief, County Attorney's Office in criminal cases,

county counsel or County attorney, as may be indicated by the case.

This includes, but is not limited to, the following situations.

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any County, or their officers and employees.
- (c) Providing testimony or information on behalf of or at the request of any party other than any county, County, or any county or County official in any administrative proceeding, including but not limited to personnel and/or disciplinary matters.

#### **5.10.24 OUTSIDE AGENCY ASSISTANCE**

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.

It is the policy of the Bureau of Investigations 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 Bureau.

#### **5.10.25 ASSISTING OUTSIDE AGENCIES**

Generally, requests for any type of assistance from another agency should be routed to the Bureau Chief'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 Bureau, the Bureau Chief 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 Bureau.

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 Bureau until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this Bureau will not ordinarily be booked by this Bureau. Only in exceptional circumstances, and subject to supervisor approval, will this Bureau 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.

#### **5.10.26 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 Bureau of Investigations shall notify his/her supervisor or the Bureau Chief and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

#### **5.10.27 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.

#### **5.10.28 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 Bureau Chief.

#### **5.10.29 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 Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - The use of supplies and equipment.
  - The members are trained in the use of supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Bureau Chief to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Officer should maintain documentation that the appropriate members have received the required training.

#### **5.10.30 OFF-DUTY LAW ENFORCEMENT ACTIONS**

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 Bureau of Investigations with respect to taking law enforcement action while off-duty.

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 officer of this Bureau 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).

#### **5.10.31 FIREARMS**

Officers of this Bureau may carry firearms while off-duty in accordance with federal regulations and Bureau policy. All firearms and ammunition must meet guidelines as described in the Bureau Firearms Policy. When carrying firearms while off-duty, officers shall also carry their Bureau-

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.

#### **5.10.31 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.

#### **5.10.32 INTERVENTION PROCEDURE**

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a Bureau of Investigations officer until acknowledged. Official identification should also be displayed.

#### **5.10.33 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.

#### **5.10.34 CIVILIAN RESPONSIBILITIES**

Civilian 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.

#### **5.10.35 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.

#### **5.10.36 REPORTING**

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of an Bureau of Investigations Supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Bureau of Investigations). 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 Bureau Chief 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.

#### **5.11 PORTABLE AUDIO/VIDEO RECORDERS**

This policy provides guidelines for the use of portable audio/video recording devices by members of this Bureau 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 Bureau of Investigations facility, undercover operations, wiretaps or

eavesdropping (concealed listening devices).

Additional guidance regarding the use of body-worn cameras during the execution of a warrant is found in the Warrant Service Policy.

The Bureau of Investigations 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 Bureau by accurately capturing contacts between members of the Bureau and the public.

#### **5.11.1 MEMBER PRIVACY EXPECTATION**

All recordings made by members on any Bureau-issued device at any time, and any recording made while acting in an official capacity of this Bureau, regardless of ownership of the device it was made on, shall remain the property of the Bureau. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

#### **5.11.2 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 Bureau, 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.

When using a portable recorder, the assigned member shall record his/her name, BUREAU 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).

#### **5.11.3 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 listed in Utah Code 77-7a-103; Utah Code 77-7a-104.

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 officer expected to jeopardize his/her safety 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).

#### **5.11.4 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).

Officers of the Bureau may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be lawful and beneficial to the investigation.

Officers shall not surreptitiously record another Bureau member without a court order unless lawfully authorized by the Bureau Chief or the authorized designee.

#### **5.11.5 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.

#### **5.11.6 CESSATION OF RECORDING**

Once activated, the portable recorder should remain on continuously until the officer 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 officers.

(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 officer 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 officer is conducting an evidence-based lethality assessment.
2. The victim or the officer 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.

1. The body-worn camera is reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete.

The officer should record the request to deactivate the portable recorder. A officer 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).

#### **5.11.7 PROHIBITED USE OF PORTABLE RECORDERS**

Officers are prohibited from using Bureau-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity. Officers may not alter or delete a recording captured on a portable recorder (Utah Code 77-7a-106).

Officers are also prohibited from retaining recordings of activities or information obtained while

on-duty whether the recording was created with a Bureau-issued or personally owned recorder. Officers shall not duplicate or distribute such recordings, except for authorized legitimate Bureau business purposes. All such recordings shall be retained at the Bureau (Utah Code 77-7a-106).

Officers are prohibited from using personally owned recording devices while on-duty without the express consent of the Bureau Chief. Any officer who uses a personally owned recorder for Bureau-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 officer for the purpose of embarrassment, harassment or ridicule.

#### **5.11.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings officers should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

Any time a officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.

#### **5.11.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, officers should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, officers shall not retain personal copies of recordings. Officers 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 officer's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any officer of the Bureau 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 Bureau Chief 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.

#### **5.11.10 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).

#### **5.11.11 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.

## **5.12 FIRST AMENDMENT ASSEMBLIES**

The Bureau of Investigations respects the rights of people to peaceably assemble. It is the policy of this Bureau 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.

### **5.12.1 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 act 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:

- (a) Lawful, constitutionally protected actions and speech.
- (b) Civil disobedience (typically involving minor criminal acts).
- (c) Rioting.

All these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront, or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe Bureau officers under their commands to ensure that officers' interaction with participants and their response to crowd dynamics is appropriate.

### **5.12.2 PHOTOGRAPHS AND VIDEO RECORDINGS**

Photographs and video recording, when appropriate, can serve several purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating Bureau 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.

### **5.12.3 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should assess conditions, including, but not limited to, the following:

- (a) Location
- (b) Number of participants
- (c) Apparent purpose of the event
- (d) Leadership (whether it is apparent and/or whether it is effective)
- (e) Any initial indicators of unlawful or disruptive activity
- (f) Indicators that lawful use of public facilities, streets or walkways will be impacted
- (g) Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, 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 officers. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### **5.13. INVESTIGATION AND PROSECUTION**

It is the policy of the Bureau of Investigations to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor. The Bureau conducts investigations of complex crimes which should meet each of the following criteria:

- a) The criminal activity occurred either completely or mostly in Utah County and usually within multiple cities in Utah County. Any crimes committed completely or mostly within a city (or in another county) must first be referred to that city or county police agency. The Bureau may assist with such a case, but the city's assigned detective should continue to have primary responsibility for the case.
- b) The criminal activity has not been referred to another agency (such as the FBI, state fraud investigators and city police departments).
- c) The crime should:
  1. Have a financial loss exceeding \$100,000; or,
  2. Involve a suspect who is currently in public office, has a close relative in public office or the allegation of criminal misconduct refers to actions by a suspect while in public office and pertaining to the suspect's official duties; or,
  3. Involve a government entity's employee, official or official's close family member which therefore causes a conflict of interest for that entity; or,
  4. Involve an unusually complex or a sensitive non-financial issue. The request to investigate must be made by the chief of the police agency having jurisdiction.

In addition to the above guidelines, the Bureau conducts internal investigations on behalf of city and county police agencies, investigations pursuant to the Utah County Officer Involved Incident Protocol, investigations in furtherance of criminal cases prosecuted by the Utah County Attorney's Office and assists prosecutors and other police agencies with digital forensic examinations.

The general priorities governing the Bureau's use of resources when receiving and investigating the above cases are:

- a) Investigations in furtherance of criminal cases prosecuted by the County Attorney's Office.

- b) Sensitive Investigations, including officer involved incidents, internal investigations on behalf of police agencies and investigations involving public offices and officials.
- c) Fraud investigations, including those where the Bureau is assisting another police agency conduct a fraud investigation.
- d) The Bureau also conducts some investigations that are not criminal in nature when those investigations further the mission of the Office (i.e., internal investigations for Utah County Government).

#### **5.13.1 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to 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.

#### **5.13.2 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. 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.

The guidelines for recording a custodial interrogation are not applicable if:

- (a) The suspect refuses to speak if the interrogation is electronically recorded. Any such refusal should be documented either by audio/video recording demonstrating such refusal, or through a written statement signed by the suspect.
- (b) Despite the reasonably good faith efforts of the officer to obtain or provide recording equipment, recording equipment is not reasonably available during the period of time that the suspect is lawfully detained.
- (c) The recording equipment malfunctions, and replacement equipment is not reasonably available.
- (d) Despite the reasonably good faith efforts of the officer to record the interrogation, the recording equipment, without the officer's knowledge, malfunctions or stops operating.
- (e) The officer conducting the custodial interrogation reasonably believes that the crime which the person is suspected of committing is not a violent felony offense.
- (f) Exigent circumstances render electronic recording impossible or impracticable.

#### **5.13.3 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. In these cases, the officer shall document that the person was warned and why prosecution was not sought. 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.

#### **5.13.4 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 a seizure and use the resources that are available.

The Bureau Digital Forensics program is designed to assist UCAO prosecutors and law enforcement agencies throughout Utah County with digital phone forensics. Because there is only one Bureau digital forensics examiner, constant triage is needed to prioritize which cases we can accept. Deference is given to the most severe cases and those with specific time constraints.

Any prosecutor or officer in need of forensic assistance must complete the Digital Forensics Examination Request Form and submit it to the Bureau Chief. The Bureau Chief, in consultation with the forensics examiner, will decide whether to take the case and if accepted, where it fits in triage with the current caseload.

Most often, the forensics examiner will extract the device and the case officer will then peruse the data, marking those items with evidentiary or exculpatory value. If the Bureau provides the hard drive for extraction, the case officer will have to review the data on-site. If the case officer wants to take the extraction off-site, they must bring a hard drive so a copy can be made.

At times, it is in the best interest of the case to have the Bureau forensics examiner conduct further the investigation apart from the case officer. These incidences arise when a prosecutor needs specialized assistance and or expert testimony.

The Bureau forensics examiner must be uniquely qualified to conduct forensic examinations. They must currently be trained on all programs, software and instruments used by the Bureau prior to their use. All certifications and training must be kept current. The forensic examiner should use best practices according to accepted forensic standards.

#### **5.13.5 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 Bureau. If a officer encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the officer should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The officer, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using Bureau equipment. Information obtained via the Internet should not be archived or stored in any manner other than Bureau-established record keeping systems.

#### **5.13.6 ACCESS RESTRICTIONS**

Information that can be accessed from any Bureau 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's 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's 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.

#### **5.14 INFORMANTS**

A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Bureau of Investigations for law enforcement purposes. This also includes a person agreeing to supply information to the Bureau of Investigations for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

##### **5.14.1 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 Bureau members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigation Bureau. The Investigation Bureau supervisor or the authorized designee shall be responsible for maintaining informant files.

#### **5.14.2 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.

#### **5.14.3 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 Bureau Chief or the authorized designee

#### **5.14.4 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 Bureau should not guarantee absolute safety or confidentiality to an informant.

#### **5.14.5 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated Bureau 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.

#### **5.14.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service.

The amount of funds to be paid to any informant will be evaluated against the following criteria:

- (a) The extent of the informant's personal involvement in the case
- (b) The significance, value, or effect on crime
- (c) The value of assets seized
- (d) The quantity of the drugs or other contraband seized
- (e) The informant's previous criminal activity
- (f) The level of risk taken by the informant

The Investigator will discuss the above factors with the Bureau Chief and recommend the type and level of payment subject to approval by the Bureau Chief.

#### **5.14.7 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 an Investigation Bureau buy/expense fund. The Investigation Bureau 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.
- (c) The check shall list the case numbers related to and supporting the payment.
- (d) A written statement of the informant's involvement in the case shall be placed in the informant's file.
- (e) The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
- (f) Authorization signatures from the Bureau Chief and the County Manager are required for disbursement of the funds.
- (g) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form. The cash transfer form shall include the following:
  - (1) Date
  - (2) Payment amount
  - (3) Bureau of Investigations case number
  - (4) A statement that the informant is receiving funds in payment for information voluntarily rendered.

The cash transfer form shall be signed by the informant.

The cash transfer form will be kept in the informant's file.

#### **5.14.8 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.

#### **5.14.9 AUDIT OF PAYMENTS**

The Investigation Bureau supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

#### **5.14.10 INFORMANT INTEGRITY**

The Bureau of Investigations 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 Bureau 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.

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 Bureau Chief or their authorized designees. 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 Bureau of Investigations, and that they shall not represent themselves as such.
- (d) The relationship between Bureau members and informants shall always be ethical and professional.
- (e) Members shall not become intimately involved with an informant.
- (f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigation Bureau supervisor.
- (g) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (h) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Investigation Bureau supervisor.
- (i) Officers may meet informants alone in an occupied public place, such as a restaurant.
- (j) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (k) In all instances when Bureau funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (l) 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.

#### **5.14.11 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 Bureau 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 Bureau to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

## **5.15 BRADY MATERIAL DISCLOSURE**

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

***Brady* information** - Information known or possessed by the Bureau of Investigations that is both favorable and material to the current prosecution or defense of a criminal defendant.

The Bureau of Investigations 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 Bureau of Investigations will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Bureau will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### **5.15.1 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 officer must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

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

Evidence or facts are considered material if there 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 the Bureau Chief and prosecutor.

### **5.15.2 DISCLOSURE OF PERSONNEL INFORMATION**

If a member of this Bureau is a material witness in a criminal case, a person or persons designated by the Bureau Chief 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 Bureau member shall be notified of the potential presence of *Brady* material in the member’s personnel file.
- (b) The prosecuting attorney should be requested to file a motion in order to initiate an in-camera review by the court (Utah Code 63G-2-202(7)).
- (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. Prior to the release of any materials pursuant to this process, the prosecutor 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 officer’s file in any case, the prosecutor should be notified of that fact in all future cases

involving that officer.

The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

#### **5.15.2 INVESTIGATING BRADY ISSUES**

If the Bureau receives information from any source that a officer may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

#### **5.16 WARRANT SERVICE**

This policy establishes guidelines for the planning and serving of arrest and search warrants by officers of this Bureau. 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.

It is the policy of the Bureau of Investigations to balance the safety needs of the public, the safety of Bureau officers, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

#### **5.16.1 BUREAU CHIEF**

The Bureau Chief shall review all risk assessment forms with the involved officer to determine the risk level of the warrant service.

The Case Officer/Investigator 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.

#### **5.16.2 REPORTING REQUIREMENTS**

The Legal Assistant 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 Investigators shall ensure that reports on all reportable incidents in the prior year are submitted to the Bureau Chief by February 1 of each year (see the Operations Planning and Deconfliction Policy for additional reporting requirements).

The Bureau Chief shall review and approve the report and ensure that it is forwarded to the CCJJ and the designated recipient for the County no later than April 30.

#### **5.16.3 MODEL GUIDELINES OF THE UTAH PEACE OFFICER STANDARDS AND TRAINING COUNCIL**

The Bureau Chief shall be familiar with any model guidelines and procedures recommended by the Utah Peace Officer Standards and Training Council regarding warrants and ensure officers follow the guidelines and procedures (Utah Code 77-23-210).

#### **5.16.4 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 Bureau Chief for review and classification of risk (see the Operations Planning and Deconfliction Policy).

#### **5.16.5 ARREST WARRANTS**

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the Bureau Chief for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated with the Bureau Chief. If the warrant is not classified as high risk, the investigator 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.

#### **5.16.6 WARRANT PREPARATION**

An officer who prepares a warrant shall 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.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the target location and any indication of separate living spaces at the target location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (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 exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

#### **5.16.7 HIGH-RISK WARRANT SERVICE**

The Bureau Chief 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 officer 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. Officers 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 officers who are designated to do so. All other officers involved in the service of the warrant should alert one of the designated officers 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 search 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 of the list is left with 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.
- (j) If the use of an imaging surveillance device is requested, the application must include a description of the capabilities of the device and the measures that the officers will take to avoid the device being used in a manner beyond the scope of the warrant (Utah Code 77-23d-103).
- (k) 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).

#### **5.16.8 NO-KNOCK ENTRIES**

Officers may execute a warrant without notice of the authority and purpose only if (Utah Code 77-23-210; Utah Code 77-7-6; Utah Code 77-7-8):

- (a) A no-knock warrant has been issued.
- (b) There is reasonable suspicion to believe that the notice will endanger the life or safety of the officer or another person.
- (c) There is probable cause to believe that evidence may be easily or quickly destroyed.
- (d) There is reason to believe that the notice will enable the escape of a person to be arrested.
- (e) The person to be arrested is engaged in the commission or attempted commission of an offense or has been pursued immediately after the commission of an offense or an escape.

#### **5.16.9 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control the movements of any or all persons present at a warrant service, who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of the people who have been detained.

#### **5.16.10 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

#### **5.16.11 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).

#### **5.16.12 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The Investigative Division Lieutenant will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- (a) Identity of team members
- (b) Roles and responsibilities
- (c) Familiarity with equipment
- (d) Rules of engagement
- (e) Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Bureau Chief. 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 Bureau of Investigations are utilized appropriately. Any concerns regarding the requested use of Bureau of Investigations members should be brought to the attention of the Bureau Chief or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If officers intend to serve a warrant outside Bureau of Investigations jurisdiction, the officers 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 Bureau of Investigations when assisting outside agencies or serving a warrant outside the Bureau of Investigations jurisdiction.

#### **5.16.13 TRAINING**

Officers should receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

#### **5.16.14 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Bureau Chief. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **5.17 OPERATIONS PLANNING AND DECONFLICTION**

This policy provides guidelines for planning, deconflition 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.

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 Bureau or an assisting Bureau is deployed (Utah Code 77-7-8.5).

It is the policy of the Bureau of Investigations to properly plan and execute large scale and high-risk operations. Proper planning and execution enable effective coordination of such operations. The BUREAU 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.

The Bureau 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.

#### **5.17.1 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 Bureau Chief by the Legal Assistant. This will be done by February 1st of each year (see the Warrant Service Policy).

The Bureau Chief shall review and approve the report and ensure that it is forwarded to the CCJJ and the designated recipient for the County no later than April 30th.

#### **5.17.2 RISK ASSESSMENT R**

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).

### **5.17.3 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 the Bureau Chief.

The Officers and the Bureau Chief shall confer to determine, based on the assessment, the operation's level of risk. Officers should take reasonable actions if there is a change in circumstances that elevates the risk associated with the operation.

### **5.17.4 HIGH-RISK OPERATIONS**

High-risk operations involve circumstances that present higher risks than are commonly faced by officers daily and would require the steps to mitigate risk detailed in this policy.

The officer and Bureau Chief concur that the operation is a high-risk operation, the officer should proceed as follows:

- (a) Determine what resources will be needed at the location or placed on standby, such as:

- SWAT
- Extra personnel
- Outside agency assistance
- Special equipment
- Medical personnel
- Persons trained in negotiation
- Additional surveillance or information
- Canines

- (b) Contact the appropriate Bureau 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.

### **5.17.5 OTHER OPERATIONS**

Operations with a lower level of risk must be categorized as such by the Bureau Chief and the lead officer during risk assessment review. 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.

### **5.17.6 DECONFLICTION**

The officer who is the operation lead shall ensure the investigative target and location have been entered in the regional target deconfliction system to determine if there is conflicting

activity by other agencies involving the same individual, group, or location. This should occur as early in the process as practical, but no later than two hours prior to the commencement of the operation. The officer should also enter updated information when it is received. If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding with the operation.

#### **5.17.7 OPERATION PLAN**

The Bureau Chief or the authorized designee shall supervise operations that are categorized as high-risk. This supervisor 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. 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:
  - An adequate number of uniformed officers are included in the operation team to ensure the operation is recognized as a legitimate law enforcement operation.
  - How all participants will be identified as law enforcement.
- (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.

#### **5.17.8 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.

#### **5.17.9 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 Bureau Chief or supervisor at the briefing shall ensure that all participants are visually identifiable as law enforcement officers. Exceptions may be specifically

identified because of a specialized function, such as officers who are conducting surveillance or working undercover. However, those members exempted from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests.

- (d) The briefing should include details of the communications plan. It is the responsibility of the operation supervisor to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practical, but minimally should receive a copy of the operation plan. 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.

#### **5.17.10 SWAT PARTICIPATION**

If the Bureau Chief determines that SWAT participation is appropriate, the lead investigator 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.

#### **5.17.11 MEDIA ACCESS**

No advance information regarding the operation shall be released without the approval of the Bureau Chief. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **5.17.12 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. This may be performed at the scene up completion of the warrant service.

#### **5.17.13 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:

- (a) Legal issues
- (b) Deconfliction practices
- (c) Warrant preparation
- (d) Warrant service
- (e) Operations plan preparation
- (f) Reporting requirements

#### **5.18 COUNTY VEHICLES**

**General Use.** All investigators that are assigned a County vehicle will be familiar and comply with the "Utah County Government Motorized Equipment and Vehicle Policy," including the rules governing the personal use of County vehicles.

Investigators may be given approval by the Investigations Bureau Chief to allow immediate family members to accompany the investigator as passengers when traveling to and from training where the immediate family member is traveling with the investigator.

### **5.18.1 UTAH DRIVER'S LICENSE REQUIREMENT**

All investigators assigned a county vehicle will maintain a valid Utah operator's license and are required to supply their supervisor with a copy of his/her operator's license during their merit evaluation review. Failure to maintain a valid Utah operator's license is grounds for relinquishing the rights to a county vehicle and may subject the Bureau employee to disciplinary action.

### **5.18.2 EVO TRAINING REQUIREMENT**

All investigators are required to complete an approved EVO training course annually.

### **5.18.3 OUT OF COUNTY/OUT OF STATE USE**

Investigators are authorized to use Utah County assigned vehicles out of state with prior approval from the Bureau Chief if such use complies with the Utah County Government Motorized Equipment and Vehicle Policy. Some of the justifications for such use would include, but are not limited to, follow-up investigations, extraditions, law enforcement training, and other law enforcement related requirements.

### **5.18.4 INVESTIGATORS RESPONSIBLE FOR MAINTENANCE**

Investigators are responsible to see that motor pool performs proper maintenance of their assigned vehicle and to see that all preventive maintenance is completed within a reasonable time frame of when the maintenance is due. If possible, maintenance of assigned vehicles will be made while on-duty. If an investigator fails to maintain scheduled maintenance on their vehicle, that employee may forfeit his right to the use of that vehicle.

### **5.18.5 MODIFICATIONS REQUIRE APPROVAL**

All modifications to vehicles or equipment in the vehicles must be approved by the Bureau Chief before making any changes.

### **5.18.6 LEGAL OPERATION AND PARKING**

Investigators will park and operate County vehicles legally and will be responsible for any traffic or parking citations received.

### **5.18.7 REQUIRED SEAT BELT USE**

All individuals in a county vehicle are required to wear available safety restraints such as seat and lap belts. Investigators are required to ensure that all persons in custody are seat belted when in County vehicles.

### **5.18.8 AUTHORIZED OPERATORS/PASSENGERS ONLY**

Investigators shall only permit persons authorized by the Utah County Government Motorized Equipment and Vehicle Policy to operate or be passengers in their vehicles, unless special permission has been obtained from the County Attorney or the County Commission.

### **5.18.9 TRAFFIC VIOLATION STOPS**

Whenever the safety of the public is reasonably and substantially threatened in the presence of an investigator, the investigator should perform necessary police services within the State of Utah if the investigator can do so safely. Additionally, pertaining to traffic violations, when a serious traffic violation (where public safety is directly threatened) occurs in the presence of an investigator, the investigator should take all reasonable steps to stop the violator and take whatever action he or she thinks is appropriate. However, for traffic violations that are not serious (public safety is not directly threatened) but the investigator feels that police

intervention is appropriate, the investigator should contact the appropriate law enforcement agency to handle the violation and render such assistance as is requested by that agency.

#### **5.18.10 EMERGENCY DRIVING**

All investigators will comply with the Utah State Code Section 41-6a-212 regarding emergency driving. If a situation arises wherein emergency driving is necessary, the investigator shall activate emergency lights and siren continuously. At no time will an investigator in an unmarked police vehicle go through a traffic light that is red, run a stop sign, or violated any traffic law without their lights and siren activated and not until it is safe to do so.

#### **5.18.11 TRAFFIC ACCIDENT NOTIFICATION PROCEDURE**

In the event of a traffic accident involving an investigator's County vehicle, the investigator will comply with the Utah County Government Motorized Equipment and Vehicle Policy and, additionally, will:

- (a) Remain at the scene until the accident can be completely investigated and an accident report from the agency having jurisdiction has been completed.
- (b) Promptly notify the Bureau Chief and, within one working day of the accident, submit to the Bureau Chief a written report describing the accident, cause, damage, and any injuries.
- (c) Complete the County Accident Report and submit copies to the Civil Division of the County Attorney's Office and to the County Road Shops within two working days; and
- (d) Submit to drug and alcohol testing as specified in Utah County Human Resources Rule VII.B.5. This is normally conducted at Work Med located at 400 North 505 West Orem, or 385 South 400 East, Springville (Orem, 801-714-3200 during work hours and pager 342-0323 for after-hours contact; Springville, 491-6400).

Any damage to a County vehicle not related to a traffic accident should be reported as soon as possible to the Bureau Chief and a report filed with the Utah County Motor Pool.



## 5.19 PROPERTY AND EVIDENCE

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.

Definitions related to this policy include:

**Cohabitant** - A person who is 18 years of age or older, who resides in the same residence as the owner cohabitant and is any of the following (Utah Code 53-5c-201):

- (a) Living as if a spouse of the owner cohabitant.
- (b) Related by blood or marriage to the owner cohabitant.
- (c) Has one or more children in common with the owner cohabitant.
- (d) Has an interest in the safety and wellbeing of the owner cohabitant.

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

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

**Owner cohabitant** - A cohabitant who owns, in whole or in part, 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:

- (a) Property obtained by the Bureau for safekeeping such as a firearm.
- (b) Personal property of an arrestee not taken as evidence.
- (c) Property taken for safekeeping under the authority of a law.

### 5.19.1 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with a Property Form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The Property Form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

### 5.19.2 PROPERTY BOOKING PROCEDURE

All property must be booked into Utah County Evidence located in Spanish Fork prior to the employee going off-duty unless otherwise approved by the Bureau Chief. Officers booking property should observe the following guidelines as outlined by Utah County Evidence Custodians.

### 5.19.3 SECURE STORAGE

Evidence may be placed in temporary secure storage at the Investigation Bureau office with the approval of the Bureau Chief. This storage should only be used for evidence of items while being forensically examined or prepared for court exhibits. These items shall be re-booked or booked into Utah County Evidence as soon as practicable.

## **5.20 REPORTING OF EMPLOYEE CONVICTIONS**

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Bureau Director of any past and current criminal convictions.

### **5.20.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS**

Federal law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Utah Code 76-10-503).

All officers are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

Any person applying for or holding a concealed firearm permit and who is convicted of any offense involving domestic violence may have the permit refused, revoked or suspended (Utah Code 53-5-704(2)(a)(vi)).

### **5.20.3 OTHER CRIMINAL CONVICTIONS**

Utah Code 53-6-203(1)(d) prohibits any person convicted of a felony from being a peace officer in the State of Utah. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of the Bureau may be inherently in conflict with law enforcement duties and public trust.

### **5.20.4 REPORTING PROCEDURE**

All members of this Bureau and all retired officers with an identification card issued by the Bureau shall promptly notify the Bureau Chief in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members officers shall further promptly notify the Bureau Chief in writing if the member becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

## **5.21 FITNESS FOR DUTY**

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of the Bureau remain fit for duty and able to perform their job functions.

### **5.21.1 EMPLOYEE RESPONSIBILITIES**

- (a) It shall be the responsibility of each employee of the Bureau to maintain good physical condition sufficient to perform essential duties of their position safely and properly.
- (b) Each employee of the Bureau 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. If 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.

#### **5.21.2 SUPERVISOR RESPONSIBILITIES**

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (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 his/her 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 Bureau Chief a determination should be made whether the employee should be temporarily relieved from his/her duties.
- (e) The Bureau Chief and any other supervisor who is made aware that an officer may have a physical or mental disability affecting the officer's ability to perform his/her duties shall investigate the allegation (Utah Code 53-6-211).
- (f) The Bureau Chief or a designee shall ensure that any allegation that an officer has a physical or mental disability affecting the officer's ability to perform his/her duties is reported to Utah Peace Officer Standards and Training (POST) within 90 days if the allegation is found to be true (UAC R728-409-18). This applies even in those instances where an employee resigns or is terminated (Utah Code 53-6-211).
- (g) The Bureau Chief shall be promptly notified in the event that any employee is relieved from duty.

#### **5.21.3 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.

#### **5.21.4 ANNUAL EMPLOYEE ASSISTANCE PROGRAM VISITS REQUIRED**

Each Sworn full-time Police Officer of the Bureau is mandated to visit with an Employee Assistance Program (EAP) therapist annually.

- (a) These visits are required for all full-time sworn Police Officers therefore will happen on-duty and coordinated with a supervisor.
- (b) Civilian employees are highly encouraged to also attend an annual visit; this too may be done while working and coordinated with a supervisor.
- (c) The visits will be with a therapist provided through the Utah County HR EAP contract.
- (d) As with all EAP visits your conversations with the EAP therapist are completely confidential and private unless authorized by you.
- (e) Each sworn full-time Police Officer will be required to obtain the therapists signature on a form indicating the attendance for the required annual visit. This form is to be submitted to the Legal Assistant.
- (f) All annual visits are paid for by the County. Your subsequent visits, if any, will not be

reported to Bureau of Investigations administration.

## **5.22 OUTSIDE EMPLOYMENT**

In order to avoid actual or perceived conflicts of interest for Bureau employees engaging in outside employment, all employees shall obtain written approval from the Bureau Chief prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Bureau Chief in accordance with the provisions of this policy and Utah Code 53-13-114.

### **DEFINITIONS**

**Outside Employment** - Any employee of the Bureau who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Bureau 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 Bureau for services, product(s) or benefits rendered.

**Outside Overtime** - Any employee of the Bureau who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this Bureau so that the Bureau may be reimbursed for the cost of wages and benefits.

### **5.22.2 OBTAINING APPROVAL**

No employee of the Bureau may engage in any outside employment without first obtaining prior written approval of the Bureau Chief. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application, which shall be submitted to the Bureau Chief for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid until rescinded by the Bureau Chief. Any employee who changes outside employment shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

### **5.22.3 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

If an employee's Outside Employment Application is denied or withdrawn by the Bureau, the employee may file a written notice of appeal to the Bureau Chief within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the Utah County Attorney's Office personnel policy.

### **5.22.4 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 Bureau decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Bureau Chief 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 Bureau 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.

#### **5.22.5 OUTSIDE EMPLOYMENT**

Consistent with the provisions of UAC R477-9-2, the Bureau expressly reserves the right to deny any Outside Employment Application submitted by an officer. An officer may engage in outside employment under the following conditions:

- (a) It does not Interfere with an officer's efficiency performance.
- (b) It does not conflict with the interests of the Bureau or the State of Utah.
- (c) It does not give reason for criticism or suspicion of conflicting interests or duties.

#### **5.22.6 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT**

Due to the potential conflict of interest no officer of this Bureau will generally be permitted to engage in any outside or secondary employment as a private security guard, private officer, or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from officers of this Bureau must submit a written request to the Bureau Chief in advance of the desired service. Such outside overtime will be assigned, monitored, and paid through the Bureau.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits for all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
  - The officer shall be subject to the rules and regulations of the Bureau.
  - No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  - Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  - Outside security services shall not be subject to the collective bargaining process.
  - No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Bureau Chief.

#### **5.22.7 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 Bureau policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

### **5.22.8 BUREAU RESOURCES**

Employees are prohibited from using any Bureau 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 Bureau or other agencies through the use of the employee's position with this Bureau.

### **5.22.9 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 Bureau may request that an officer provide his/her personal financial records for review/audit to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Bureau becomes concerned that a conflict of interest exists based on a financial reason, the Bureau 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.

### **5.22.10 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 Bureau Chief 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 Bureau Chief 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.

### **5.22.11 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Bureau officers 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 Bureau Chief whether such outside employment should continue.

In the event the Bureau Chief 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 County'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 Bureau of Investigations, a request (in writing) may be made to the Bureau Chief to restore the permit.

## **5.23 PERSONAL APPEARANCE STANDARDS**

In order to project uniformity and neutrality toward the public and other members of the Bureau, it is the policy of the Bureau that employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Bureau and for their assignment.

## **5.24 LINE-OF-DUTY DEATHS**

The purpose of this policy is to provide guidance to members of the Bureau of Investigations in the event of the death of a member occurring in the line of duty and to direct the Bureau in providing proper support for the member's survivors.

The Bureau Chief may also apply some or all of this policy in situations where officers are injured in the line of duty and the injuries are life-threatening.

Definitions related to this policy include:

**Line-of-duty death** -The death of a sworn officer during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

**Survivors** -Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

It is the policy of the Bureau of Investigations 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 Bureau to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### **5.24.1 INITIAL ACTIONS BY COMMAND STAFF**

Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Bureau Chief and Dispatch.

Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others.

The Bureau Chief should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

If the member has been transported to the hospital, the Bureau Chief or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

The Bureau Chief 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 Bureau Liaison as soon as practicable (see the Notifying Survivors section and the Bureau Liaison and Hospital Liaison subsections in this policy).

### **5.24.2 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Bureau Chief 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 Bureau Chief, Bureau Chief or the authorized designee should select at least two members to conduct notification of survivors.

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 considering 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 Bureau vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Bureau Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Bureau Liaison.

Survivor Notifications Chief or the authorized designee once survivor notifications have been made so that other Bureau of Investigations members may be apprised that survivor notifications are complete.

### **5.24.3 OUT-OF-AREA NOTIFICATIONS**

The Bureau Chief should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Bureau Chief or designee should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the Bureau member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Bureau Chief or designee may assist in making transportation arrangements for the member's survivors but will not obligate the Bureau to pay travel expenses without the



authorization of the Bureau Chief.

#### **5.24.4 NOTIFYING BUREAU MEMBERS**

Supervisors or members designated by the Bureau Chief are responsible for notifying Bureau 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 of the Bureau Members having a close bond with the deceased member should be notified of the incident in person. Officers should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Officers should direct members not to disclose any information outside the Bureau regarding the deceased member or the incident.

#### **5.24.5 LIAISONS AND COORDINATORS**

The Bureau Chief or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death.

Liaisons and coordinators will be directed by the Bureau 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 Bureau resources. The Bureau Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

#### **5.24.6 BUREAU LIAISON**

The Bureau Liaison should serve as a facilitator between the deceased member's survivors and the Bureau. The Bureau Liaison reports directly to the Bureau Chief. The Bureau Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them with contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that Bureau members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the members' residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### **5.22.6 HOSPITAL LIAISON**

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for: The survivors and others whose presence is requested by the survivors. Bureau members and friends of the deceased member. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Bureau of Investigations members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Bureau, 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:

- (a) Arranging transportation for the survivors back to their residence.
- (b) Working with officers to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- (c) Documenting his/her actions at the conclusion of his/her duties.

#### **5.24.7 SURVIVOR SUPPORT LIAISON**

The Survivor Support Liaison should work with the Bureau 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 Bureau contact for survivors.

The Survivor Support Liaison should be selected by the Bureau Chief. The following should be considered when selecting the Survivor Support Liaison:

- (a) The liaison should be an individual the survivors know and with whom they are comfortable working.
- (b) If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- (c) 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 Bureau 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 Bureau and the hospital to the survivors. The following should be considered when returning the personal effects: Items should not be delivered to the survivors until they are ready to receive the items. Items not retained as evidence should be delivered in a clean, unmarked box. 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). The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of Bureau-issued equipment that may be at the deceased member's residence. 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 CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the Bureau's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to Bureau activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Bureau 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.

#### **5.24.8 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR**

The CISM coordinator should work with the Bureau Chief or the authorized designee, liaisons, coordinators, and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM ~~coordinator~~ Coordinator 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 CISM and counseling services, including:
  - (a) Members involved in the incident.
  - (b) Members who witnessed the incident.
  - (c) Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of Bureau responsibilities until they can receive CISM support as appropriate and possible.

- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM 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 CISM or counseling services are needed.
- (f) If a peer support team is implemented, they will coordinate with the Training Officer to complete a peer support training program approved by POST (Utah Code 78B-5-903).

#### **5.24.9 FUNERAL LIAISON**

The Funeral Liaison should work with the Bureau 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 Bureau, including, but not limited to the following:
  1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
      1. Bagpipers/bugler
      2. Uniform for burial
      3. Flag presentation
      4. Last radio call
- (e) Briefing the Bureau Chief and command staff concerning funeral arrangements.
- (f) Assigning an officer to remain at the family home during the viewing and funeral.
- (g) Arranging for transportation of the survivors to and from the funeral home and interment site using Bureau vehicles and drivers.

#### **5.24.10 MUTUAL AID COORDINATOR**

The mutual aid coordinator should work with the Bureau 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 Bureau of Investigations members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

#### **5.24.11 BENEFITS LIAISON**

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison

include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury and Death Reporting Policy).
- (b) Researching and assisting survivors with the application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Bureau of Veterans Affairs.
- (c) Researching and assisting survivors with ~~application~~ applications for state and local government survivor benefits.
  - 5. Death benefits available under Title 49, Utah State Retirement, and Insurance Benefit Act
  - 6. Health coverage benefits (Utah Code 53-17-201)
  - 7. Death benefit assistance (Utah Code 53-17-501)
  - 8. Educational benefits (Utah Code 53B-8c-103)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 9. Private foundation survivor benefits programs.
  - 10. Survivor scholarship programs.
- (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. If requested, working-work 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.

#### **5.24.11 FINANCE COORDINATOR**

The finance coordinator should work with the Bureau Chief and the Bureau 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.

