

Uintah County Sheriff's Department

Policy Manual

POLICY MANUAL FOR THE UINTAH COUNTY SHERIFF'S DEPARTMENT

This policy manual shall be govern the Uintah County Sheriff's Department. This manual should be utilized in conjunction with the Uintah County Personnel Policies and Procedures Manual.

With the adoption of this manual all employees of this Department shall become familiar with the contents and strive to ensure that all the requirements set forth in the manual are adhered to. Upon occasion when the employee needs clarification of any part of this manual it is incumbent on them the contact their immediate supervisor immediately for guidance.

Should any portion of this manual conflict with Federal, State or County Statutes or the policies of Uintah County, the law and/or policy of Uintah County, the person who discovers this shall immediately bring this to the attention of the Sheriff or the Undersheriff. The Federal, State or County Statutes or policies of Uintah County may take precedent.

Cited references are not inclusive, nor absolute. Current laws and rules should be checked as this manual is based on the premise that frequent updates and changes take place.

Uintah County Sheriff's Department
Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

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

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

Uintah County Sheriff's Department
Policy Manual

**MISSION STATEMENT OF THE UINTAH COUNTY
SHERIFF'S DEPARTMENT**

It shall be the mission of the Uintah County Sheriff's Department to provide law enforcement services to the people of Uintah County and all visitors to the best of our ability, without prejudice, and equality to all.

Uintah County Sheriff's Department
Policy Manual

Table of Contents

POLICY MANUAL FOR THE UINTAH COUNTY SHERIFF'S DEPARTMENT	1
LAW ENFORCEMENT CODE OF ETHICS	2
MISSION STATEMENT OF THE UINTAH COUNTY SHERIFF'S DEPARTMENT	3
Chapter 1 - Law Enforcement Role and Authority.....	8
100 - Law Enforcement Authority.....	9
102 - Sheriff Candidate Requirements.....	10
104 - Oath of Office.....	11
106 - Policy Manual	12
Chapter 2 - Organization and Administration	15
200 - Organizational Structure and Responsibility.....	16
204 - General Order.....	18
206 - Emergency Management Plan	19
208 - Training.....	20
212 - Electronic Mail	23
214 - Administrative Communications	24
216 - Staffing Levels	25
218 - Concealed Weapon License.....	26
220 - Retired Or Former Deputy CWL Endorsements	27
Chapter 3 - General Operations	29
300 - Use of Force	30
302 - Deadly Force Review.....	36
306 - Leg Restraint Device	38
308 - Control Devices and Techniques	42
309 - TASER® Guidelines	47
310 - Officer-Involved Shooting	53
312 - Firearms.....	60
314 - Vehicle Pursuit.....	67
316 - Deputy Response to Calls	79
318 - Canine Program.....	82
320 - Domestic Violence	90
322 - Search and Seizure	96
324 - Temporary Custody of Juveniles.....	98
326 - Elder Abuse	105
328 - Discriminatory Harassment.....	109
330 - Child Abuse Reporting.....	113
332 - Missing Persons	118
334 - Public Alerts.....	123

Uintah County Sheriff's Department

Policy Manual

336 - Victim Witness Assistance	127
338 - Hate Crimes	129
340 - Employee Discipline	131
342 - Department Technology Use	139
344 - Report Preparation	142
346 - News Media Relations	145
348 - Court Appearance And Subpoenas	148
350 - Reserve and Auxiliary Deputies	152
352 - Mutual Aid and Outside Agency Assistance	158
356 - Registered Offender Information	159
358 - Major Incident Notification	161
360 - Death Investigation	163
362 - Identity Fraud	166
364 - Private Persons Arrests	168
368 - Limited English Proficiency Services	170
370 - Communications with Persons with Disabilities	177
372 - Mandatory School Employee Reporting	184
374 - DNA Samples	185
376 - Chaplain Program	188
378 - Public Safety Camera System	192
380 - Child and Dependent Adult Safety	195
382 - Service Animal Policy	198
384 - Volunteer Program	200
386 - Off-Duty Law Enforcement Actions	205
Chapter 4 - Patrol Operations	207
400 - Patrol Function	208
402 - Racial- or Bias-Based Profiling	210
406 - Crime and Disaster Scene Integrity	212
408 - Crisis Response Unit	214
410 - Ride-Along Program	224
412 - Hazardous Material Response	226
414 - Hostage and Barricade Incidents	228
416 - Response to Bomb Calls	232
418 - Mental Illness Commitments	235
420 - Cite and Release	238
422 - Arrest or Detention of Foreign Nationals	240
424 - Rapid Response And Deployment Policy	246
426 - Reporting Police Activity Outside of Jurisdiction	248
428 - Immigration Violations	249
430 - Emergency Utility Service	252
432 - Patrol Rifles	253
434 - Aircraft Accidents	255
436 - Field Training Officer Program	258
438 - Obtaining Air Support	261

Uintah County Sheriff's Department

Policy Manual

440 - Detentions And Photographing Detainees.....	262
442 - Criminal Street Gangs	267
444 - Shift Sergeants	271
446 - Mobile Audio Video	272
448 - Mobile Data Terminal Use.....	278
450 - Use of Audio Recorders.....	280
458 - Foot Pursuit	283
462 - Automated License Plate Readers (ALPRs).....	287
464 - Homeless Persons.....	289
Chapter 5 - Traffic Operations	292
500 - Traffic Function and Responsibility	293
502 - Traffic Collision Reporting.....	296
510 - Vehicle Towing and Release.....	298
514 - Impaired Driving.....	301
516 - Traffic Citations	305
520 - Disabled Vehicles	307
524 - Abandoned Vehicles	308
Chapter 6 - Investigation Operations.....	309
600 - Investigation and Prosecution.....	310
602 - Sexual Assault Victims' Rights.....	312
606 - Asset Forfeiture	313
608 - Confidential Informants.....	318
610 - Eyewitness Identification	322
612 - <i>Brady</i> Material Disclosure.....	325
614 - Pawn Shop Holds	327
Chapter 7 - Equipment	329
700 - Department-Owned and Personal Property.....	330
702 - Personal Communication Devices.....	332
704 - Vehicle Maintenance.....	336
706 - Vehicle Use.....	338
Chapter 8 - Support Services	342
804 - Property Procedures.....	343
806 - Records Division Procedures	351
808 - Restoration of Firearm Serial Numbers	352
810 - Records Release and Security	354
812 - Criminal History Record Information (CHRI).....	358
814 - Computers and Digital Evidence	361
822 - Jeanne Clery Campus Security Act.....	365
Chapter 9 - Custody	369
900 - Temporary Holding Facility	370
902 - Custody Searches	373

Uintah County Sheriff's Department
Policy Manual

904 - Prison Rape Elimination	376
Chapter 10 - Personnel	384
1000 - Recruitment and Selection.....	385
1002 - Evaluation of Employees	389
1004 - Promotion and Transfer	392
1006 - Grievances.....	394
1010 - Reporting of Employee Convictions.....	397
1012 - Drug- and Alcohol-Free Workplace	399
1014 - Sick Leave	402
1016 - Communicable Diseases	404
1018 - Smoking and Tobacco Use	411
1020 - Personnel Complaints.....	412
1022 - Seat Belts	419
1024 - Body Armor.....	421
1026 - Peace Officer Personnel Files	423
1028 - Request for Change of Assignment.....	428
1030 - Employee Commendations.....	429
1032 - Fitness for Duty.....	430
1034 - Meal Periods and Breaks.....	433
1035 - Lactation Breaks	434
1036 - Payroll Record Procedures.....	436
1038 - Overtime Compensation Requests.....	437
1040 - Outside Employment	439
1042 - On-Duty Injuries.....	443
1044 - Personal Appearance Standards.....	446
1046 - Uniform Regulations	448
1050 - Nepotism and Conflicting Relationships	453
1052 - Department Badges	455
1054 - Modified Duty Assignments	457
1056 - Performance History Audits.....	460
1058 - Employee Speech, Expression and Social Networking	463
Organizational Chart	467

Uintah County Sheriff's Department
Policy Manual

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn members of the Department shall be considered peace officers pursuant to Utah Code 53-13-102 and 103. The authority of any such peace officer extends to any place in the State of Utah, as follows:

- (a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or
- (b) Where the peace officer has the prior consent of the chief of police, or person authorized by him/her to give consent, if the place is within a city or of the sheriff, or person authorized by him/her to give such consent, if the place is within a county; or
- (c) An arrest for any public offense committed outside of the political subdivision which employs the peace officer must comply with Utah Code § 77-9-3, Uniform Act on Fresh Pursuit.

100.3 CONSTITUTIONAL REQUIREMENTS

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

Sheriff Candidate Requirements

102.1 PURPOSE AND SCOPE

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

102.1.1 SHERIFF CANDIDATE REQUIREMENTS

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

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

Oath of Office

104.1 PURPOSE AND SCOPE

Deputies of the Department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Utah Constitution Article IV, Section 10).

104.1.2 OATH DEFINED

In accordance with the provisions of the Utah Constitution Article IV, Section 10, the oath shall be "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office with fidelity."

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Uintah County Sheriff's Department is hereby established and shall be referred to as The Policy Manual. The Policy Manual is a statement of the current policies, procedures, directives, rules and guidelines of the Department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

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

106.1.1 DISCLAIMER

The provisions contained in this Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Uintah County Sheriff's Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Uintah County Sheriff's Department reserves the right to revise any policy content, in whole or in part.

106.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Sheriff. Since it is not practical for the Sheriff to prepare and maintain the manual, the following delegations have been made:

106.2.1 SHERIFF

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue to issue General Orders which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

106.2.2 STAFF

Staff shall consist of the following:

- Sheriff
- Undersheriff/Chief Deputy
- Jail Commander
- Uniformed Field Services Bureau Sergeants
- Investigative Bureau Sergeant

Uintah County Sheriff's Department

Policy Manual

Policy Manual

- The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

106.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander who will consider the recommendation and forward to staff.

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

All published policies will have a header at the top of the page with the subject of the policy and the policy number. Each policy will begin with a purpose statement, a policy statement when appropriate, and then followed with the directive information of that subject. The published date of the document will be printed in the footer of each page.

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- General Orders may be abbreviated as GO
- Policy Manual sections may be abbreviated as Section 106.X or § 106.X

106.3.2 DEFINITIONS

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

Adult - Any person 18-years of age or older.

CFR - Code of Federal Regulations

County - Shall mean the County of Uintah County.

Department/UCSO - The Uintah County Sheriff's Department

DMV - The Department of Motor Vehicles

Employee/Personnel - Any person employed by the Department.

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

Manual - The Uintah County Sheriff's Department Policy Manual

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Sheriff's Department including sworn deputies, reserve deputies, non-sworn employees and volunteers.

Deputy/Sworn - Those employees, regardless of rank, who are sworn employees of the Uintah County Sheriff's Department.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

Uintah County Sheriff's Department

Policy Manual

Policy Manual

POST - The Utah Peace Officer Standards and Training Division.

Rank - The job classification title held by a deputy.

Shall or Will - Indicates a mandatory action.

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

UHP - The Utah Highway Patrol

USC - United States Code

106.3.3 DISTRIBUTION OF POLICY MANUAL

Copies of the Policy Manual shall be distributed to the following:

- Sheriff
- Undersheriff (Chief Deputy)
- Sergeants
- Administrative Staff
- Personnel and Training Division
- Detective Division
- Deputy's Report Room
- Correctional Facility
- An electronic version of the Policy Manual will be made available to all employees on the Department network. The electronic version will be limited to the viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

106.3.4 ACKNOWLEDGEMENT

Each newly appointed employee will acknowledge in writing that he/she has been provided access and ability to review the Policy Manual. All employees will acknowledge in writing the receipt and review of any new directive or modifications to this manual.

106.4 MANUAL ACCEPTANCE

As a condition of employment all employees are required to read and obtain necessary clarification of all the Department's policies. Each employee is required to sign a Statement of Receipt acknowledging that they have received a copy of the Policy Manual and understand they are responsible to read and become familiar with its contents.

106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all revisions. All changes to the Policy Manual will be posted on the Department Intranet Home Page under the title Recent Policy Manual Revisions. The Training Officer will forward revisions to Policy Manual each quarter to all personnel via electronic mail. Each employee shall acknowledge receipt by return e-mail, review the revisions and seek clarification as needed.

Each Unit Commander/Manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

Uintah County Sheriff's Department
Policy Manual

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Sheriff is responsible for administering and managing the Uintah County Sheriff's Department. There are five divisions in the Sheriff's Department as follows:

- Administration Division
- Field Services Division
- Investigation Division
- Corrections Division
- Emergency Management Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded the Undersheriff/Chief Deputy who is responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of Technical Services, Administrative Services and Emergency Management.

200.2.2 FIELD SERVICES DIVISION

The Field Services Division is commanded by two Sergeants whose primary responsibilities are to provide general management direction and control for that Division. The Field Services Division consists of Uniformed Patrol and Special Operations, which includes Traffic, First Responders, Police Aides/Assistants. .

200.2.3 CORRECTIONS DIVISION

The Corrections Division is commanded by a Commander, whose primary responsibility is to provide general management direction and control for Corrections . The Corrections Division consists of the correctional facility, court services, transportation and building security.

200.2.4 INVESTIGATIVE DIVISION

The Investigative Bureau Division is commanded by a Sergeant whose primary responsibility is to provide general management direction and control for the Investigation Division. the Investigative Division consists of the Investigations, Property (Evidence) and Forensic Services.

200.2.5 EMERGENCY MANAGEMENT DIVISION

The Emergency Management Division is commanded by a sworn person with the responsibility to protect the community by coordinating the activities necessary to build,

Uintah County Sheriff's Department

Policy Manual

Organizational Structure and Responsibility

sustain and improve the capability to mitigate against, prepare for, respond to and recover from natural and man-made disasters.

The Emergency Management Division maintains the county's Emergency Operations Center (EOC). An EOC is a location from which centralized emergency management and a coordinated response can be performed during a major emergency or disaster.

The Emergency Manager oversees the coordination of a cadre of disaster and safety volunteers

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Department. During planned absences of the Sheriff, the Undersheriff/Chief Deputy will serve as the acting Sheriff.

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff or Undersheriff/Chief Deputy is as follows:

- (a) Uniformed Field Services/ Investigative Division Senior Sergeant
- (b) Uniformed Field Services/ Investigative Division Sergeant
- (c) Uniformed Field Services/ Investigative Division Senior Corporal

The Emergency Management Division shall be a stand alone Division in the absence of the Sheriff and/or Undersheriff/Chief Deputy.

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g. K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

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

200.4 AUTHORITY AND RESPONSIBILITY

Consistent with the principles of sound supervisory practices, all supervisory personnel will be held accountable for the performance of their subordinates. To facilitate this end, training requirements for supervisory personnel are assigned in the job description and job task analysis, and in-service training for supervisors shall address employee career development.

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

General Order

204.1 PURPOSE AND SCOPE

General Orders establish an interdepartmental communication that may be used by the Sheriff to make immediate changes to policies consistent with the current Memorandum of Understanding or other collective bargaining agreement. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 GENERAL ORDER PROTOCOL

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

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

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

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 SHERIFF

The Sheriff or Undersheriff shall issue all General Orders.

204.3 ACCEPTANCE OF GENERAL ORDERS

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

Emergency Management Plan

206.1 PURPOSE AND SCOPE

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

206.2 ACTIVATING THE EMERGENCY PLAN

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

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Uintah County Sheriff's Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

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

206.3 LOCATION OF MANUALS

The manual for the employees is available in Administrative Services and the Shift Sergeant's office. All supervisors should familiarize themselves with the Emergency Management Plan and what roles sheriff's personnel will play when the plan is implemented.

206.4 BUILDING EVACUATION PLAN

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

206.5 UPDATING OF MANUALS

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

Training

208.1 PURPOSE AND SCOPE

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

208.2 PHILOSOPHY

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

208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of Department personnel.

208.4 TRAINING PLAN

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

- Compliance with POST mandated annual certified training of not less than 40 hours (Utah Code 53-6-202(4)(a)).
- Firearms qualifications.
- Emergency vehicle operations.
- Arrest control tactics (defensive tactics).

The plan should also address the following Department requirements:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

208.5 TRAINING NEEDS ASSESSMENT

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

Uintah County Sheriff's Department

Policy Manual

Training

208.6 TRAINING COMMITTEE

The Training Officer shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

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

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

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

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

The Training Officer will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

208.7 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
 1. Court appearances
 2. First choice vacation
 3. Sick leave
 4. Physical limitations preventing the employee's participation
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
 1. Notify his/her supervisor as soon as possible, but no later than two hours prior to the start of training.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Training Officer to attend an alternate date.

208.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Uintah County Sheriff's Department policy manual and other

Uintah County Sheriff's Department

Policy Manual

Training

important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Officer.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Officer. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

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

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

Electronic Mail

212.1 PURPOSE AND SCOPE

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

212.2 E-MAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the e-mail system will not be tolerated and may result in discipline.

E-mail messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Sheriff, Undersheriff or a Sergeant. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's e-mail, name and/or password by others.

212.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of one month will be deleted at regular intervals from the server computer.

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 PERSONNEL ORDER

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

214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Sheriff. Personnel should use Department letterhead only for official business and with approval of their supervisor.

214.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Sheriff, Undersheriff or a Sergeant.

Staffing Levels

216.1 PURPOSE AND SCOPE

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

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of one regular supervisor on-duty whenever possible. Shift Sergeants will ensure that at least one field supervisor is deployed during each watch if possible.

216.2.1 SUPERVISION DEPLOYMENTS

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

With prior authorization from the Uniformed Field Services Sergeant, a deputy may act as the Shift Supervisor for a limited period of time.

Concealed Weapon License

218.1 PURPOSE AND SCOPE

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

218.2 QUALIFIED APPLICANTS

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

- (a) Must not have been convicted of a felony.
- (b) Must not have been convicted of any crime of violence.
- (c) Must not have been convicted of any offense involving the use of alcohol.
- (d) Must not have been convicted of any offenses involving the unlawful use of narcotics or other controlled substances.
- (e) Must not have been convicted of any offenses involving moral turpitude, as defined in UAC R722-300-3.
- (f) Must not have been convicted of any offense involving domestic violence.
- (g) Must not have been adjudicated by a court of a state or of the United States as mentally incompetent, unless the adjudication has been withdrawn or reversed; must not have been committed to a mental institution or found not guilty by reason of insanity for a felony offense; and must not have been found mentally incompetent to stand trial for a felony offense.
- (h) Must not be a person who is illegally or unlawfully in the United States.
- (i) Must not have been dishonorably discharged from the armed forces.
- (j) Must not have renounced his/her citizenship after having been a citizen of the United States.
- (k) Must not have committed any crime or act that would disqualify the person from possession of a weapon under federal law.

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

Retired Or Former Deputy CWL Endorsements

220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation and denial of a concealed weapons (CWL) endorsement for retired/former deputies of the Department.

220.2 QUALIFIED RETIREES/FORMER DEPUTIES

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

- (a) For the purpose of this policy, "qualified retired or former deputy" includes all peace officers who have qualified for, and accepted, a service or disability retirement or has departed in an honorable manner.
- (b) No "CWL Approved" endorsement shall be issued to any deputy retiring or departing employment because of a psychological disability.

220.3 MAINTAINING A CWL ENDORSEMENT

In order to maintain a CWL Approved endorsement on an identification card, the retired or former deputy shall:

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired or former deputy's expense. Upon verification by this department that all annual requirements have been met by an otherwise qualified retired or former deputy, the CWL Approved endorsement shall be re-stamped and dated (18 USC 926 C).
- (b) Remain subject to all Department rules and policies as well as all federal, state and local laws.
- (c) Only be authorized to carry a concealed firearm inspected and approved by the Department.

220.4 CARRYING FIREARMS OUT OF STATE

Subject to 18 USC § 926 B, 18 USC § 926 C and the Firearms and Qualification Policy, qualified retired deputies of the Department may be authorized to carry a concealed weapon in other states.

220.5 DENIAL OR REVOCATION OF CWL ENDORSEMENT

The CWL endorsement for any retired or former deputy from this department may be denied or revoked only upon a showing of good cause. Good cause, if challenged, shall be determined in the following manner:

- (a) In the event that a CWL endorsement is initially denied, the retired or former deputy may file a petition for review with the Concealed Weapon Review Board.

Uintah County Sheriff's Department

Policy Manual

Retired Or Former Deputy CWL Endorsements

- (b) The denial of a license shall be in writing and shall include the general reasons for the action.
- (c) If a retired or former deputy appeals the denial, the retired or former deputy shall have access to the evidence upon which the denial was based.
- (d) Upon a ruling by the Concealed Weapon Review Board the retired or former deputy shall be notified within 30 days.

Uintah County Sheriff's Department
Policy Manual

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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.

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

Any deputy present and observing another deputy 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. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

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

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

Uintah County Sheriff's Department

Policy Manual

Use of Force

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

A deputy may use reasonable force to effect arrest, to prevent escape or to overcome resistance. A deputy 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).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy 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 deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies 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 deputy.
- (k) Potential for injury to deputies, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- (m) The risk and reasonably foreseeable consequences of escape.

Uintah County Sheriff's Department

Policy Manual

Use of Force

- (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 deputy or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The deputy shall have successfully completed department-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 - 1. The subject is violent or physically resisting.
 - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm deputies, him/herself or others.
- (c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
 - 1. Females who are known to be pregnant
 - 2. Elderly individuals
 - 3. Obvious juveniles
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

Uintah County Sheriff's Department

Policy Manual

Use of Force

- (e) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (a) A deputy 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) A deputy may use deadly force to stop a fleeing subject when the deputy 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 deputy 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 a deputy reasonably believes any of the following:

1. 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 deputy or another.
2. 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.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

Uintah County Sheriff's Department

Policy Manual

Use of Force

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of 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.

300.6 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 deputy'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 deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably 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 deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 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 deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.

Uintah County Sheriff's Department

Policy Manual

Use of Force

- (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:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (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, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy 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.

300.7.1 SHIFT SERGEANT RESPONSIBILITY

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

Deadly Force Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Uintah County Sheriff's Department to review the use of force by its employees.

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

302.2 POLICY

The Uintah County Sheriff's Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

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

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

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

302.4.1 COMPOSITION OF THE BOARD

The Administrative Services Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Officer
- Non-administrative supervisor

Uintah County Sheriff's Department

Policy Manual

Deadly Force Review

- A peer deputy
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

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

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

The Sheriff 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 deputy at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the deputy at the time shall neither justify nor call into question a deputy's decision regarding the use of force.

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

The board shall make one of the following recommended findings:

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

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

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

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

Leg Restraint Device

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

The Uintah County Sheriff's Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

306.3 USE OF RESTRAINTS

Only members who have successfully completed Uintah County Sheriff's Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

306.3.1 RESTRAINT OF DETAINEES

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

306.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

Uintah County Sheriff's Department

Policy Manual

Leg Restraint Device

306.3.3 RESTRAINT OF JUVENILES

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

306.3.4 NOTIFICATIONS

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

Uintah County Sheriff's Department

Policy Manual

Leg Restraint Device

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.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

306.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

- (a) Whether the deputy 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 deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting

Uintah County Sheriff's Department

Policy Manual

Leg Restraint Device

deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

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

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

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Uintah County Sheriff's Department authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Sheriff or the authorized designee.

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

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

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

308.4 RESPONSIBILITIES

308.4.1 SHIFT SERGEANT RESPONSIBILITIES

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

308.4.2 RANGEMASTER RESPONSIBILITIES

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

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

308.4.3 USER RESPONSIBILITIES

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

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

Uintah County Sheriff's Department

Policy Manual

Control Devices and Techniques

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

308.5 BATON GUIDELINES

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

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

308.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Sergeant, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

308.7.1 OC SPRAY

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

308.7.2 PEPPER PROJECTILE SYSTEMS

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

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

Uintah County Sheriff's Department

Policy Manual

Control Devices and Techniques

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

308.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

308.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

308.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

308.9.1 DEPLOYMENT AND USE

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

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

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.9.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.

Uintah County Sheriff's Department

Policy Manual

Control Devices and Techniques

- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

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

308.9.3 SAFETY PROCEDURES

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

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

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

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

308.10 TRAINING FOR CONTROL DEVICES

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy

Uintah County Sheriff's Department

Policy Manual

Control Devices and Techniques

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

308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

TASER® Guidelines

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

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

309.3 ISSUANCE AND CARRYING TASER DEVICES

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

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

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

Members carrying the TASER device should perform a spark test on the unit weekly.

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

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

309.4 VERBAL AND VISUAL WARNINGS

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

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior

Uintah County Sheriff's Department

Policy Manual

TASER® Guidelines

to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

309.5 USE OF THE TASER DEVICE

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

309.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

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

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

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

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

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

Uintah County Sheriff's Department

Policy Manual

TASER® Guidelines

309.5.3 TARGETING CONSIDERATIONS

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

309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

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

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

309.5.6 DANGEROUS ANIMALS

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

309.5.7 OFF-DUTY CONSIDERATIONS

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

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

309.6 DOCUMENTATION

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

Uintah County Sheriff's Department

Policy Manual

TASER® Guidelines

309.6.1 TASER DEVICE FORM

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

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any deputies sustained any injuries.

The Training Officer should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Officer should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

309.6.2 REPORTS

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

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

309.7 MEDICAL TREATMENT

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

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

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
 - (b) The person may be pregnant.
 - (c) The person reasonably appears to be in need of medical attention.
-

Uintah County Sheriff's Department

Policy Manual

TASER® Guidelines

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

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

309.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory may be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

309.9 TRAINING

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

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

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

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

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

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

The Training Officer should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.

Uintah County Sheriff's Department

Policy Manual

TASER® Guidelines

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

Officer-Involved Shooting

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the policy and process for the investigation of an incident in which a person is injured or fatally wounded as the result of an officer-involved shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

310.2 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Sheriff or Undersheriff.
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency.
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency.
- (d) An administrative investigation conducted by the involved officer's agency to determine if there were any violations of any Department policy.

310.3 JURISDICTION

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

310.3.1 UTAH COUNTY SHERIFF'S DEPARTMENT DEPUTY WITHIN THIS JURISDICTION

The Uintah County Sheriff's Department is responsible for the criminal investigation of the suspect's actions, the civil investigation and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the County Attorney's Office.

310.3.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Uintah County Sheriff's Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the County Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

310.3.3 UTAH COUNTY SHERIFF'S DEPARTMENT DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Uintah County Sheriff's Department will conduct timely civil and/or administrative investigations.

Uintah County Sheriff's Department

Policy Manual

Officer-Involved Shooting

310.3.4 INVESTIGATION RESPONSIBILITY MATRIX

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

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
UCSO Deputy in This Jurisdiction	UCSO Investigators	County Attorney's Office	UCSO Civil Liability Team	UCSO Internal Affairs Unit
Allied Agency's Officer in This Jurisdiction	UCSO Investigators	County Attorney's Office	Involved Officer's Department	Involved Officer's Department
UCSO Deputy in Another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	UCSO Civil Liability Team	UCSO Internal Affairs Unit

310.4 THE INVESTIGATION PROCESS

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

310.4.1 DUTIES OF INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter deputy(s).
 1. In the event that there are no non-shooter deputies, the supervisor should attempt to obtain a brief voluntary overview from one shooter deputy.
- (c) If necessary, the supervisor may administratively order any deputy from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any deputy(s), the initial on-scene supervisor should not attempt to order any deputy to provide other than public safety information.
- (e) Provide all available information to the Shift Sergeant and Uintah Basin Consolidated Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter deputies should respond or be transported (separately, if feasible) to the station for further direction.
 1. Each involved deputy should be given an administrative order not to discuss the incident with other involved deputies pending further direction from a supervisor.

Uintah County Sheriff's Department

Policy Manual

Officer-Involved Shooting

2. When a deputy's weapon is taken or left at the scene (e.g., evidence), the deputy will be provided with a comparable replacement weapon or transported to the station by other deputies.

310.4.2 SHIFT SERGEANT DUTIES

Upon learning of an officer-involved shooting, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until relieved by the Sheriff or the Undersheriff.

310.4.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Sheriff
- Undersheriff
- Investigative Division Sergeant
- County Attorney
- Medical examiner (if necessary)
- Deputy representative (if requested)

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

310.4.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Shift Sergeant, Investigative Services Division Sergeant and Public Information Officer in the event of inquiries from the media.

It will be the policy of the Department to not release the identities of involved deputies absent their consent or as required by law. Moreover, no involved deputy shall be subjected to contact from the media and no involved deputy shall make any comments to the press unless authorized by the Sheriff or Undersheriff.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.4.5 INVOLVED OFFICERS

Once the involved deputy(s) have arrived at the station, the Shift Sergeant should admonish each deputy that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved deputy:

- (a) Any request for department or legal representation will be accommodated. However, no involved deputy shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (d) A psychotherapist shall be provided by the Department to each involved deputy, or any other deputy upon request.

Uintah County Sheriff's Department

Policy Manual

Officer-Involved Shooting

1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.
 2. An interview or session with a licensed psychotherapist may take place prior to the involved deputy providing a formal interview or report, but the involved deputies 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.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness deputy.

Care should be taken to preserve the integrity of any physical evidence present on the deputy, equipment or clothing (e.g., blood, fingerprints) until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to meet the deputy's physical and emotional needs.

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

310.5 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.5.1 DETECTIVE PERSONNEL

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

All related Department reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate supervisor.

310.5.2 CRIMINAL INVESTIGATION

It shall be the policy of the Department to utilize the County Attorney's Office to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to "partner" with investigators from the County Attorney's Office to prevent duplication of efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved deputies in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved deputy:

- (a) Supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of deputies. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

Uintah County Sheriff's Department

Policy Manual

Officer-Involved Shooting

- (b) If requested, any involved deputy will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.
- (c) Any voluntary statement provided by the deputy(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved deputy or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

310.5.3 REPORTS BY INVOLVED OFFICERS

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

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

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

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

310.5.4 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor,

Uintah County Sheriff's Department

Policy Manual

Officer-Involved Shooting

consent should be obtained from the parent or guardian, if available, prior to transportation.

- (c) Available personnel should be assigned to promptly contact the suspect's family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with deputies.

310.6 ADMINISTRATIVE INVESTIGATION

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

- (a) Any deputy involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
 - 1. If a further interview of the deputy 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 deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interview(s).
- (c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy'(s) physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.
 - 3. Administrative interview(s) should be recorded by the investigator (the deputy may also record the interview).
 - 4. The deputy shall be informed of all constitutional "*Miranda*" rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions. The deputy shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (*Garrity* admonishment).
 - 5. The administrative interview shall be considered part of the deputy's confidential personnel file.
 - 6. The Internal Affairs Division shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

Uintah County Sheriff's Department

Policy Manual

Officer-Involved Shooting

7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department Use of Force Policy.
8. Any other indications of a potential violation of any policy shall be determined in accordance with standard disciplinary procedures.

310.6.1 CIVIL LIABILITY RESPONSE

An employee of the Department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

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

310.7 AUDIO AND VIDEO RECORDINGS

Any deputy involved in an incident may be permitted to review available Mobile Audio Video (MAV) 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 or other video or audio recordings with approval of assigned investigators or a supervisor.

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

Firearms

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use and documentation of training in the use of firearms. The Sheriff or designee shall approve all Department firearms before they are acquired and utilized by any employee of the Department.

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster during a regularly scheduled range date. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by an employee who has not qualified with that weapon at an authorized department range.

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

312.2.1 DUTY WEAPONS

The authorized Department-issued handgun is the Glock Model 22 .40 SW.

The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
------	-------	---------

312.2.2 AUTHORIZED SECONDARY FIREARM

Deputies desiring to carry a secondary firearm are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department's list of approved firearms.
- (b) Only one secondary firearm may be carried at a time.
- (c) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (d) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.
- (e) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (f) Ammunition shall be the same as department-issue. If the caliber of the firearm is other than department-issue, the Sheriff shall approve the ammunition.
- (g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Deputies must demonstrate proficiency, safe handling and that the firearm functions properly.

Uintah County Sheriff's Department

Policy Manual

Firearms

- (h) Personnel shall provide written notice of the make, model, color, serial number and caliber of a second firearm to the Rangemaster.

312.2.3 AUTHORIZED OFF-DUTY FIREARM

The carrying of firearms by sworn deputies while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn deputies who choose to carry a firearm, other than the department-issued firearm, while off-duty, based on their authority as a peace officer will be required to meet the following guidelines:

- (a) The firearm shall be of good quality and workmanship and approved by the Department.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.
- (d) It will be the responsibility of the deputy to submit the firearm to the Rangemaster for inspection prior to being carried . Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (e) Prior to carrying any off-duty firearm, the deputy shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The deputy will successfully qualify with the firearm prior to it being carried and thereafter once every six months. The range qualification dates will be specified by the Rangemaster.
- (g) A complete description of the firearm shall be contained on the qualification record approved by the Rangemaster.
- (h) If any employee desires to use more than one firearm while off-duty, he/she may do so, as long as the deputy meets all the requirements set forth in this policy for each firearm used.
- (i) Deputies shall only carry department-authorized ammunition.
- (j) When armed, whether on- or off-duty, deputies shall carry their badge and department identification.

312.2.4 AMMUNITION

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

312.2.5 ALCOHOL AND DRUGS

Weapons shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

Uintah County Sheriff's Department

Policy Manual

Firearms

312.2.6 LASER SIGHTS

Laser sights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Rangemaster.

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the deputy shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, a deputy may only activate a laser sight when the deputy would otherwise be justified in pointing a weapon at an individual or other authorized target.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on- and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.3.1 SAFETY CONSIDERATIONS

- (a) Deputies shall not unnecessarily display or handle any firearm.
- (b) Deputies shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Deputies shall not dry fire or practice quick draws except under Rangemaster supervision.
- (c) Deputies shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
- (e) Deputies shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing deputy to make sure that persons from outside agencies do not enter the jail section with any firearm.
- (f) Deputies shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon (from the armory), except with approval of a supervisor.
- (g) Any weapon authorized by the Department to be carried on- or off-duty, that is found by the deputy to be malfunctioning or needing service shall not be carried. It shall be promptly presented to the Department or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the Department Rangemaster will be immediately removed from service. If the weapon is the deputy's primary duty weapon, a replacement weapon will be issued to the deputy until the duty weapon is serviceable.

312.3.2 STORAGE OF FIREARMS AT HOME

Deputies shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Uintah County Sheriff's Department

Policy Manual

Firearms

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify quarterly with their duty weapon on an approved range course. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Training Officer. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations including shoot, no-shoot situations. At least annually, all personnel carrying a firearm will receive training on the Department Use of Force Policy and demonstrate their knowledge and understanding.

312.4.1 NON QUALIFICATION

If any deputy is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that deputy shall submit a memorandum to his/her immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
- (c) No range credit will be given for the following:
 1. Unauthorized range make-up.
 2. Failure to qualify after remedial training.

312.5 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 deputy reasonably believes that they appear necessary, effective and reasonably safe.

312.6 DESTRUCTION OF ANIMALS

Deputies 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 in which deputies have sufficient advance notice that a potentially dangerous animal may be encountered, deputies 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 deputy from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

312.6.1 INJURED ANIMALS

With the approval of a supervisor, a deputy 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 deputy shall obtain the

Uintah County Sheriff's Department

Policy Manual

Firearms

judgment to the effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal. However, if the deputy is in a location or circumstance where the deputy is unable to contact another person, the injured animal may be destroyed (Utah Code 76-9-305(3)).

312.7 REPORT OF FIREARM DISCHARGE

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

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

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

312.8 RANGEMASTER DUTIES

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

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

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

312.9 MAINTENANCE AND REPAIR

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual deputy, that deputy will be responsible for the furnishing, maintenance and repair of such weapon.

312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

A certified armorer shall be the only person authorized to repair or modify any Department-owned weapon for which they are qualified to work on.

All repairs and/or modifications of Department-issued weapons not performed by the Department armorer must be approved in advance by the armorer and accomplished by a Department-approved gunsmith who is certified to repair such firearm.

Uintah County Sheriff's Department

Policy Manual

Firearms

Any repairs or modifications to the deputy's personally owned weapon shall be done at his/her expense and must be approved by the armorer.

312.10 FLYING WHILE ARMED

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

- (a) Deputies wishing to fly while armed must be flying in an official capacity.
- (b) Deputies must carry their department identification card, which must contain a full-face picture and the official seal of the Department, and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the deputy's travel. The deputy must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Sheriff authorizing armed travel must accompany the deputy. The letter must comply with the requirements as set forth by TSA.
- (e) Deputies must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the Department-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Deputies should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- (i) Deputies flying while armed shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

312.11 INTERSTATE CWL FOR PEACE OFFICERS

Full-time sworn and retired deputies who desire to carry a concealed firearm in other states are required, pursuant to 18 USC § 926 B and 18 USC § 926 C (see the Retired Or Former Deputy CWL Endorsements Policy), to meet the following conditions:

- (a) An active full-time deputy shall carry his/her department identification whenever carrying such weapon.
 - 1. A retired deputy's identification must indicate that the retired deputy has met the state's training and qualification standards within not less than one year prior to the date of issuance; or the deputy must carry a written certification indicating he/she has met the necessary qualification standards.

Uintah County Sheriff's Department

Policy Manual

Firearms

- (b) Deputies will remain subject to this and all other department policies (including qualifying and training) and may not be the subject of any current disciplinary action.
- (c) Deputies may not be under the influence of alcohol or any intoxicating or hallucinatory drug, including prescription drugs, which would impair their ability to safely handle a firearm.
- (d) Deputies must be aware 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 prohibits or restricts the possession of firearms on any state or local government property, installation, building, base or park. Federal authorities may not shield a deputy from arrest and prosecution in such locally restricted areas.

Full-time sworn and retired peace officers from other states who carry a concealed firearm in Utah are required, pursuant to 18 USC § 926 B and 18 USC § 926 C, to meet the same conditions as described above, with the exception of subsection (b).

Vehicle Pursuit

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies 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 deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

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 deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where a department policy would permit the initiation or continuation of a pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors in the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies' conduct during the course of a pursuit must be objectively reasonable, i.e. what a reasonable deputy 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.

314.1.1 DEFINITIONS

Definitions related to this policy include (Utah Administrative Code 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 sheriff's vehicle into contact with the

Uintah County Sheriff's Department

Policy Manual

Vehicle Pursuit

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 a deputy in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive and unlawful tactics.

314.2 DEPUTY RESPONSIBILITIES

It shall be the policy of the Department that a vehicle pursuit shall be conducted only with emergency lights and siren as required by Utah Code 41-6a-212(4) for exemption from compliance with the rules of the road. The following policy is established to provide deputies 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(6).

314.2.1 WHEN TO INITIATE A PURSUIT

- (a) Deputies in a department vehicle with operable emergency vehicle equipment and radio may initiate a vehicular pursuit when the following criteria are met (Utah Administrative Code R728-503-4):
 - 1. The suspect exhibits the intention to avoid apprehension through evasive or unlawful tactics.
 - 2. The suspect operating the vehicle refuses to stop at the direction of the deputy.
 - 3. The suspect's actions are such that failure to pursue would further enhance the danger presented to the public.

- (b) Department vehicles that do not possess operable emergency vehicle equipment and an operable police radio will not be involved in a pursuit. Factors that individually and collectively shall be considered in deciding whether to initiate or continue a pursuit are (Utah Administrative Code R728-503-4):
 - 1. The performance capabilities of the pursuit vehicle.
 - 2. The condition of the road surface upon which the pursuit is being conducted.
 - 3. The amount of vehicular and pedestrian traffic in the area.
 - 4. The weather conditions.
 - 5. The offense for which the subject will be pursued.
 - 6. Any potential or existing hazards.
 - 7. Familiarity with the area and road.

Uintah County Sheriff's Department

Policy Manual

Vehicle Pursuit

8. Any other pertinent factors.

314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy 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. Deputies 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 deputies 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) Deputy'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, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) The pursuit is terminated by a supervisor.
- (h) The deputy is unfamiliar with the area and is unable to accurately notify dispatch of the location and direction of the pursuit.
- (i) The violator is driving the wrong way on a limited access highway or one-way road.
- (j) Air support is available to track the suspect.

Pursuits may terminate at the state line or continue with the approval of a supervisor is available.

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

314.2.3 SPEED LIMITS

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

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

Uintah County Sheriff's Department

Policy Manual

Vehicle Pursuit

- (a) Pursuit speeds have become unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the deputy.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles and, if warranted under the circumstances, a supervisor. However, the number of units involved will vary with the circumstances (Utah Administrative Code R728-503-5). A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspects. All other deputies should stay out of the pursuit, but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.3.1 MOTORCYCLE OFFICERS

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

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

- (a) Vehicles without emergency equipment are generally prohibited from becoming involved in a pursuit.
- (b) All unmarked units will relinquish the primary or secondary role in a pursuit to a marked vehicle as soon as practicable (UAC R728-503-7).

314.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

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

- (a) Unit identification.
 - (b) Location, speed and direction of travel of the fleeing vehicle.
 - (c) Description of the fleeing vehicle and license number, if known.
 - (d) Number of known occupants.
 - (e) The identity or description of the known occupants.
 - (f) Reason for initiating the pursuit.
-

Uintah County Sheriff's Department

Policy Manual

Vehicle 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 deputy 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 deputy should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary vehicle or aircraft joining the pursuit as soon as practical.

314.3.4 SECONDARY UNIT(S) RESPONSIBILITIES

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

- (a) The deputy 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 deputy, or if the primary vehicle is unable to continue the pursuit.
- (c) The secondary deputy should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

314.3.5 PURSUIT DRIVING TACTICS

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

- (a) Deputies, 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) Deputies should generally not pursue a vehicle that is driving left of center (wrong way) on a roadway.
- (d) Deputies shall notify the Utah Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Deputies 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.

314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

Uintah County Sheriff's Department

Policy Manual

Vehicle Pursuit

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.

314.3.7 PURSUIT TRAILING

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

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

314.3.8 AIRCRAFT ASSISTANCE

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

The air vehicle should coordinate the activities of resources on the ground, report progress of the pursuit and provide deputies 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.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

After being notified of a pursuit, a supervisor shall:

- (a) Ensure proper radio channels and procedures are in use.
- (b) Ensure tactics are in conformance with any policy of the Department.
- (c) Ensure only the necessary numbers of units are involved.
- (d) Ensure allied agencies are notified.
- (e) Consider aborting the pursuit if cause exists.
- (f) Consider air support availability and practicality.
- (g) Ensure post-incident notifications.
- (h) Ensure that proper written reports are completed and forwarded to the Division Commander (Utah Administrative Code R728-503-6).

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

314.4.1 SHIFT SERGEANT RESPONSIBILITY

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

Uintah County Sheriff's Department

Policy Manual

Vehicle Pursuit

guidelines and requirements of this policy. The Shift Sergeant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

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

314.5 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 Department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel that is most accessible by participating agencies and units.

314.5.1 COMMUNICATIONS CENTER RESPONSIBILITIES

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

Communications personnel also shall:

- (a) Receive and record all incoming information on the pursuit and the pursued vehicle.
- (b) Control all radio communications and clear the radio channels of all non-emergency calls.
- (c) Perform relevant record and motor vehicle checks.
- (d) Coordinate and dispatch back-up assistance and air support units under the direction of the field supervisor.
- (e) Notify concurrent and neighboring jurisdictions, where practicable, when the pursuit may extend into their location and specify whether involvement is needed.
- (f) If the pursuit enters a bordering state, that jurisdiction should be notified.

314.5.2 LOSS OF PURSUED VEHICLE

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

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

The primary unit shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line (Utah Administrative Code R728-503-8). When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether 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 deputy 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.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Uintah County Sheriff's Department is no longer

Uintah County Sheriff's Department

Policy Manual

Vehicle Pursuit

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 deputies at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

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

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

- (a) The department's ability to maintain the pursuit.
- (b) Whether the circumstances are serious enough to continue the pursuit.
- (c) Whether there is adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) The safety of the pursuing deputies.

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

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

In the event that a pursuit from another agency terminates within this jurisdiction, deputies 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.

314.7 PURSUIT INTERVENTION

Intervention techniques shall be used only when the deputy 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, deputies/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With these risks in mind, the decision to use

Uintah County Sheriff's Department

Policy Manual

Vehicle Pursuit

any intervention tactic should be reasonable in light of the circumstances confronting the deputy at the time of the decision.

314.7.1 INTERVENTION STANDARDS

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

- (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 deputy and the suspect.
 1. Deputies may deliberately direct a vehicle into a given path or location (i.e., unpaved roadway, dead end road, away from populated areas or intersections) by using stationary objects (pylons, barricades, vehicles) placed in the current path of the pursued vehicle. This method also may be used to direct a pursued vehicle toward and across a hollow spike strip.
 2. Channelization is considered a forcible stop technique, but does not require the justification of deadly force.
- (b) The Pursuit Intervention Technique (PIT) is a forced rotational non-compliant vehicle stop. This technique should not be used if speeds exceed 45 mph, if any of the vehicle tires have been blown or flattened, or if the vehicle has had its tires damaged by a tire deflating device, unless deadly force is justified.
 1. This technique should only be used when all other reasonable means of apprehension have been considered and rejected as impractical, e.g., air support, allied agency assistance, tire deflating devices or boxing-in; when the apparent risk of harm to other than the occupants of the pursued vehicle is so great as to outweigh the risk of harm in making the forcible stop; when the pursuing deputy believes that the continued movement of the pursued vehicle would place others in danger of great bodily harm or death.
 2. Deputies 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 deputies's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
 1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

Uintah County Sheriff's Department

Policy Manual

Vehicle Pursuit

- (d) The use of boxing-in as a technique for terminating pursuits is discouraged. Under ordinary circumstances, the potential hazard outweighs the probability of a successful stop of a violator. Therefore, this technique should only be used at slow speeds or where the obvious risks can be eliminated or appreciably reduced.
 - 1. Boxing-in shall not be used at high speeds or in those circumstances where the pursued subject has demonstrated a willingness to assault a deputy either with the vehicle or some other means, i.e., a firearm.
 - 2. Boxing-in shall not be used when it is necessary to use citizens to effect the maneuver.
- (e) The use of tire deflating devices should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle (consider if deadly force is justified), a vehicle transporting hazardous materials, or a school bus transporting children, deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) 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 deputies must:
 - 1. Allow the suspect vehicle reasonable stopping distance.
 - 2. Not place themselves or their vehicle in a position that would jeopardize the safety of the deputies involved.
 - 3. Not place vehicles in a position that is not reasonably visible to the suspect.
 - 4. Reasonably ensure the safety of uninvolved pedestrians and motorists.

314.7.2 USE OF FIREARMS

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

314.7.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies 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 deputy should coordinate efforts to apprehend the suspects following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans to contain and capture the suspect.

314.8 REPORTING AND REVIEW REQUIREMENTS

The primary deputy 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 deputies involved.

Uintah County Sheriff's Department

Policy Manual

Vehicle Pursuit

- (b) The violation that caused the pursuit to be initiated.
- (c) The identity of the deputies involved in the pursuit.
- (d) The means or methods used to stop the suspect being pursued.
- (e) The charges filed with the court by the prosecuting attorney.
- (f) The conditions of the pursuit, including, but not limited to, all of the following:
 - 1. Duration
 - 2. Mileage
 - 3. Number of deputies involved
 - 4. Maximum number of units involved
 - 5. Time of day
 - 6. Weather conditions
 - 7. Maximum speeds
- (g) Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
- (h) Whether the pursuit involved multiple agencies.
- (i) How the pursuit was terminated.
- (j) After first obtaining available information, the supervisor shall promptly complete a supervisor's report, briefly summarizing the pursuit, to command staff. This memo should minimally contain the following information:
 - 1. Date and time of pursuit
 - 2. Length of pursuit
 - 3. Involved units and deputies
 - 4. Initial reason for pursuit
 - 5. Starting and termination points
 - 6. Disposition: arrest, citation, arrestee information if applicable
 - 7. Injuries and/or property damage
 - 8. Medical treatment
 - 9. Name of supervisor at scene
 - 10. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

All department deputies 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(4)(c)).

314.8.2 POLICY REVIEW

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

Uintah County Sheriff's Department

Policy Manual

Vehicle Pursuit

314.8.3 MANDATORY COUNSELING

Any deputy 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 deputy.

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

314.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Utah Code 41-6a-212(4). It incorporates the guidelines developed pursuant to Utah Code 41-6a-212(5) and established in Utah Administrative Code R728-503.

Deputy Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 RESPONSE TO CALLS

Deputies dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Deputies 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 deputy 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.

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

316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of deputies, 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 deputy shall immediately notify Uintah Basin Consolidated Dispatch Center.

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

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

316.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one vehicle should respond to an emergency call Code-3 unless the Shift Sergeant or the field supervisor authorizes an additional vehicle(s).

316.4 INITIATING CODE 3 RESPONSE

If a deputy believes a Code-3 response to any call is appropriate, the deputy shall immediately notify Uintah Basin Consolidated Dispatch Center. Generally, only one vehicle should respond Code-3 to any situation. Should another deputy believe a Code-3 response is appropriate, Uintah Basin Consolidated Dispatch Center shall be notified and the Shift Sergeant or field supervisor will make a determination as to whether one or more deputies driving Code-3 is appropriate.

Uintah County Sheriff's Department

Policy Manual

Deputy Response to Calls

316.5 RESPONSIBILITIES OF RESPONDING DEPUTY(S)

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Deputies 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 deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the deputy should immediately notify Uintah Basin Consolidated Dispatch Center. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

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

316.6 COMMUNICATIONS RESPONSIBILITIES

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

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

316.7 SUPERVISORY RESPONSIBILITIES

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

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

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

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

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

Uintah County Sheriff's Department

Policy Manual

Deputy Response to Calls

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

316.8 FAILURE OF EMERGENCY EQUIPMENT

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

Canine Program

318.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

318.2 GUIDELINES FOR THE USE OF CANINES

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

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

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing deputy(s) shall not serve as good cause for the use of a canine to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

318.2.1 PREPARATION FOR UTILIZING A CANINE

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

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.
- (e) The potential for escape or flight if the canine is not utilized.
- (f) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

Uintah County Sheriff's Department

Policy Manual

Canine Program

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

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, two clearly audible warnings to announce that a canine will be released if the person does not come forth shall be made and a reasonable response period provided prior to releasing a canine. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.

318.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection trained canine may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause or in narcotics screening situations.
- (c) To search vehicles, buildings, bags, and any other articles deemed necessary.
- (d) A narcotic-detection canine will not be used to search a person for narcotics.

318.2.4 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and the ability of the canine to determine the feasibility of such an application.

- (a) Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such applications should usually be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.
- (b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
- (d) Once the individual has been located, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

318.2.5 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed and intentionally bites or otherwise causes injury to a suspect, a supervisor shall be promptly notified and the injuries documented in a Canine

Uintah County Sheriff's Department

Policy Manual

Canine Program

Use Report Form. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by the canine during deployments, operations, training, presentations or under any other circumstances, either on- or off-duty, shall be promptly reported to the Unit Coordinator. Unintended bites or injuries caused by the canine should be documented in an administrative report, not on a Canine Use Report Form.

318.2.6 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Shift Sergeant.

Medical care for any injured canine shall follow the protocol established in the Medical Care of the Canine section of this policy.

The injury will be documented on a Canine Use Report Form.

318.2.7 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Uniformed Field Services Division to supplement and assist the Patrol Bureau.

Canine teams should function primarily as cover units, however, they may be assigned by the Shift Sergeant to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Shift Sergeant.

318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Bureau shall go through the Unit Coordinator or the Shift Sergeant.

318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Shift Sergeant or the Unit Coordinator must approve all requests for canine assistance from outside agencies, subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the County of Uintah County unless authorized by the Shift Sergeant or the Unit Coordinator.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment.

Uintah County Sheriff's Department

Policy Manual

Canine Program

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Unit Coordinator.

318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

- (a) Uintah County Sheriff's Department deputy currently off probation.
- (b) Reside in an adequately fenced, single-family residence (minimum five-foot high fence with locking gates).
- (c) Have a garage which can be secured and accommodate a canine vehicle, if possible.
- (d) Live within 30 minutes travel time from the Uintah County County limits.
- (e) Agree to be assigned to the position for a minimum of three years.

318.5 CANINE HANDLER RESPONSIBILITIES

318.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Unit Coordinator.

318.5.2 CARE FOR THE CANINE AND EQUIPMENT

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

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all Department equipment under his/her control in a clean and serviceable condition and when not on-duty shall maintain the canine vehicle in a garage, secured from public view, if possible.
- (c) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be secured in a manor that prevents access to it by other than Departmental personal.
- (d) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine vehicle to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.
- (f) When off-duty, canines shall be maintained in kennels, provided by the County, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
- (g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator or Shift Sergeant.
- (i) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Shift Sergeant.

Uintah County Sheriff's Department

Policy Manual

Canine Program

- (j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

318.5.3 CANINE IN PUBLIC AREAS

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

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

318.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the Department policy on compensation for employees.

318.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in § 318.6.2.

318.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Shift Sergeant as soon as practical.

All records of medical treatment shall be maintained in the canine handler's personnel file.

318.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care is required.

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

318.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Utah POST standards in the Service Dog Program. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by Utah POST or other recognized and approved certification standards.

The Unit Coordinator shall be responsible for scheduling periodic training for all department personnel in order to familiarize them with how to conduct themselves in the presence of department canines.

Uintah County Sheriff's Department

Policy Manual

Canine Program

318.7.1 CONTINUED TRAINING

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

- (a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is contrary to the policies of the Uintah County Sheriff's Department.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Shift Sergeant.

318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing Utah POST canine certification and, if cross-trained, other recognized and approved certification standards, shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.7.3 TRAINING RECORDS

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

318.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Unit Coordinator shall be appointed by Staff and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Uniformed Field Services Division Commander. The Unit Coordinator shall be responsible for, but not limited to, the following:

- (a) Review all Canine Use Reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintain liaison with the vendor kennel.
- (c) Maintain liaison with administrative staff and functional supervisors.
- (d) Maintain liaison with other agency canine coordinators.
- (e) Maintain accurate records to document canine activities.
- (f) Recommend and oversee the procurement of needed equipment and services for the unit.
- (g) Be responsible for scheduling all canine-related activities.
- (h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

318.9 CONTROLLED SUBSTANCE TRAINING AIDS

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

Uintah County Sheriff's Department

Policy Manual

Canine Program

Utah Administrative Code R156-37-305(2) exempts deputies of the Department from licensing requirements under the Controlled Substance Act to the extent their official duties require them to possess controlled substances and:

- (a) They act within the scope of their enforcement responsibilities.
- (b) They maintain accurate records of controlled substances which come into their possession.
- (c) They maintain an effective audit trail.

318.9.1 PROCEDURES

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

- (a) All necessary controlled substance training samples shall be acquired from the Uintah County Sheriff's Department's evidence personnel or from allied agencies authorized by an appropriate court order to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person receiving controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol vehicle, or stored in a locked evidence locker. There are no exceptions to this procedure.
- (f) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

318.9.2 IMMUNITY

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

318.10 EXPLOSIVES TRAINING AIDS

Explosives training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (Utah Code

Uintah County Sheriff's Department

Policy Manual

Canine Program

76-10-306(2)(a)). Explosives training aids designed specifically for K-9 teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids is subject to the following requirements:

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

Domestic Violence

320.1 PURPOSE AND SCOPE

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

320.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

320.2 POLICY

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

320.3 OFFICER SAFETY

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

320.3.1 TENANCY ISSUES

- (a) Deputies may request a person who is not in lawful possession of the premises to leave when:
 1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager).
 2. The complainant has requested that the person leave the premises.
- (b) The deputy will standby until the suspect removes essential belongings.
- (c) If the suspect does not leave upon request, an arrest should be made for trespassing or any other applicable law.
- (d) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the deputy should refer the complainant for a Protective Order or other appropriate civil remedy.

Uintah County Sheriff's Department

Policy Manual

Domestic Violence

- (e) If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for a court-issued Protective Order.

320.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Division in the event that the injuries later become visible.
- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 1. Marital status of suspect and victim.
 2. Whether the suspect lives on the premises with the victim.
 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 4. The potential financial or child custody consequences of arrest.
 5. The physical or emotional state of either party.
 6. Use of drugs or alcohol by either party.
 7. Denial that the abuse occurred where evidence indicates otherwise.

Uintah County Sheriff's Department

Policy Manual

Domestic Violence

8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

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

320.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

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

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

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

320.6 DISPATCH ASSISTANCE

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

Uintah County Sheriff's Department

Policy Manual

Domestic Violence

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

320.7 FOREIGN COURT ORDERS

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

320.8 VERIFICATION OF COURT ORDERS

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

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

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

320.9 LEGAL MANDATES AND RELEVANT LAWS

Utah law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

- (a) Deputies responding to a domestic violence call shall arrest or issue a citation to a domestic violence offender if there is probable cause to believe an offense has occurred. The offense need not occur in the deputy's presence (Utah Code 77-36-2.2(2)(a)).
- (b) A deputy shall arrest a suspect whenever there is probable cause to believe that the suspect has violated any of the provisions of a court order or condition of release agreement and there is evidence the order has been served. The offense need not occur in the deputy's presence (Utah Code 77-36-2.4(1)).
- (c) If a deputy has probable cause to believe there will be continued violence against the victim or if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence offense, the deputy may not utilize the option of issuing a citation (Utah Code 77-36-2.2(2)(b)). Factors that may support the likelihood of a continuing offense include:
 1. A prior history of arrests or citations involving domestic violence.

Uintah County Sheriff's Department

Policy Manual

Domestic Violence

2. The suspect is violating a court order.
 3. The suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
 4. Victim statements that the suspect has a history of physical abuse toward the victim.
 5. Victim statements in which he/she expresses fear of retaliation or further violence should the suspect be released.
 6. Any other evidence that would indicate the victim may be subjected to continued violence or abuse.
- (d) In responding to domestic violence incidents, deputies should generally be reluctant to make dual arrests. If a deputy receives complaints of domestic violence from two or more opposing persons, the deputy shall evaluate each complaint separately to identify the predominant physical aggressor. If the deputy determines that one person was the predominant physical aggressor, the deputy need not arrest the other person alleged to have committed domestic violence. In determining the predominant aggressor, the deputy shall consider (Utah Code 77-36-2.2(3)):
1. Any prior complaints of domestic violence.
 2. The relative severity of injuries inflicted on each person.
 3. The likelihood of future injury to each of the parties.
 4. Whether one of the parties acted in self defense.
- (e) A deputy may not threaten, suggest or otherwise indicate the possible arrest of all parties in order to discourage any party's request for intervention by law enforcement (Utah Code 77-36-2.2(4)).
- (f) Whenever a suspect is released by this department, the releasing deputy shall then make a reasonable effort to notify the victim of that release and shall transmit that information to the statewide domestic violence network (Utah Code 77-36-2.5(4)(a)).
- (g) A deputy who does not make an arrest shall notify the victim of his/her right to initiate a criminal proceeding and of the importance of preserving evidence (Utah Code 77-36-2.2(5)(b)).
- (h) Whenever a complainant advises of the existence of a court order, the deputy shall determine if a valid court order exists and use every reasonable means to enforce the order. The deputy should determine whether the order is in the statewide domestic violence network (Utah Code 78B-7-113(1)) and/or:
1. Whether a court order is on file with a law enforcement agency or whether the complainant has a copy of the court order in his/her possession.
 2. Whether proof of service or prior notice exists, whether the suspect was in court when the order was made or it was provided by a court ex parte.
 3. The terms of the court order that may be enforced against the suspect
- (i) In the event the suspect is no longer at the scene, deputies shall document the incident for follow-up investigation.
- (j) If an arrest is made, the arresting deputy shall provide the arrestee with written notice containing the following information (Utah Code 77-36-2.5(10)):
1. The arrestee may not contact the victim before being released.
 2. The arrestee may not be released on bail, recognizance or otherwise prior to the close of the next court day following the arrest unless, as a condition of that

Uintah County Sheriff's Department

Policy Manual

Domestic Violence

release, the person is ordered by the court or agrees in writing that until the expiration of that time he/she will:

- (a) Have no personal contact with the alleged victim.
 - (b) Not threaten or harass the alleged victim.
 - (c) Not knowingly enter onto the premises of the alleged victim's residence or any premises temporarily occupied by the alleged victim.
- (k) Notification of the penalties for violation of the court order or any agreement executed.
- (l) The date and time, absent modification by a court or magistrate, that the requirements expire.

320.9.2 REPORTS AND RECORDS

- (a) Reports on all incidents of domestic violence shall include (Utah Code 77-36-2.2):
1. The deputy's disposition of the case.
 2. The appropriate crime classification for domestic violence.
 3. Marital status of each of the involved parties.
 4. The relationship of the suspect to the victim.
 5. Whether or not an arrest was made.
 6. If no arrest was made, the report shall detail the grounds for not arresting.
 7. If two parties are arrested, the report shall detail the grounds for arresting both parties.
- (b) The deputy creating the report should provide the victim with the case number of the report. The case number may be placed in the appropriate space on the victim information handout provided to the victim. If the case number is not immediately available, the deputy should explain to the victim how he/she can obtain the information at a later time.
- (c) The report shall be made available to the victim, upon request, at no cost (Utah Code 77-36-2.2(6)(d)).
- (d) The Records Supervisor shall forward a copy of the incident report to the appropriate prosecuting attorney within five days after the complaint of domestic violence occurred (Utah Code 77-36-2.2(6)(c)).
- (e) Until December 31, 2013, the Records Supervisor shall maintain records on the number of reported domestic violence-related calls, which shall include the marital status and social, familial or legal relationship of the suspect to the victim and whether an arrest was made. The Records Supervisor is also responsible for filing monthly statistical reports with the Department of Public Safety, as required (Utah Code 77-36-2.2(6)(b)).

Search and Seizure

322.1 PURPOSE AND SCOPE

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

322.2 POLICY

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

In accordance with the Training Policy, the Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.3 SEARCHES

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

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

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

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

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

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

322.3.1 PAROLE SEARCHES

Absent a search warrant or other legal authority a deputy may search the residence of a person on parole only after obtaining approval from a parole officer. In other circumstances where a deputy stops a parolee and conducts a search of the parolee's person, personal

Uintah County Sheriff's Department

Policy Manual

Search and Seizure

effects or vehicle, the deputy shall notify a parole officer as soon as reasonably practicable after conducting the search (Utah Code 77-23-301(3)(a) and (b)).

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

322.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
 1. Another deputy or a supervisor should witness the search.
 2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

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

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

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

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Uintah County Sheriff's Department (42 USC § 5633).

324.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

Examples of secure custody include:

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

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

Uintah County Sheriff's Department

Policy Manual

Temporary Custody of Juveniles

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

324.2 POLICY

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

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Uintah County Sheriff's Department:

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

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

These juveniles should not be held at the Uintah County Sheriff's Department unless they have been evaluated by a qualified medical and/or mental health professional.

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

324.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the Uintah County Sheriff's Department without authorization of the arresting deputy's supervisor or the Shift Sergeant.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Uintah County Sheriff's Department (42 USC § 5633; Utah Code 78A-6-112(4)(a); Utah Code 62A-7-201; UAC R547-7-3).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Uintah County Sheriff's Department. Custodial

Uintah County Sheriff's Department

Policy Manual

Temporary Custody of Juveniles

arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633; UAC R547-7-3(24)).

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633; UAC R547-7-3(24)).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

Deputies who take a juvenile offender into temporary custody shall, without unnecessary delay, notify the parents, guardian or custodian (Utah Code 78A-6-112(3)(a)(i)).

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

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

If the juvenile offender is not released, the juvenile shall be taken to a place of detention or shelter without unnecessary delay (Utah Code 78A-6-112(4); UAC R547-7-3(14)).

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

324.5 ADVISEMENTS

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

Uintah County Sheriff's Department

Policy Manual

Temporary Custody of Juveniles

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

324.6 JUVENILE CUSTODY LOGS

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

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

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

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633; Utah Code 62A-7-201(3)). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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

324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Uintah County Sheriff's Department shall ensure the following:

- (a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Uintah County Sheriff's Department more than one hour. This will enable the Shift Sergeant to ensure no juvenile is held at the Uintah County Sheriff's Department more than two hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that

Uintah County Sheriff's Department

Policy Manual

Temporary Custody of Juveniles

the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

324.9 USE OF RESTRAINT DEVICES

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

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

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

324.10 PERSONAL PROPERTY

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

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

Uintah County Sheriff's Department

Policy Manual

Temporary Custody of Juveniles

324.11 SECURE CUSTODY

Only juvenile offenders 10 years and older may be placed in secure custody. Juveniles shall not be placed in secure custody for more than two hours (Utah Code 62A-7-201(4); UAC R547-7-3). Shift Sergeant approval is required before placing a juvenile offender in secure custody.

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

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

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

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

324.11.1 LOCKED ENCLOSURES

Juvenile offenders shall not be placed in any locked enclosure unless the enclosure is certified by the Division of Juvenile Justice Services as an approved holding room, the facility meets the requirements of UAC R547-7 and there is no other alternative which will protect the juvenile and the community (Utah Code 62A-7-201(4)).

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire time in custody.
- (b) Juveniles shall have constant auditory access to department members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by a staff member, no less than every 15 minutes, shall occur.
 1. All checks shall be logged.
 2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

Uintah County Sheriff's Department

Policy Manual

Temporary Custody of Juveniles

324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Shift Supervisor will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Uintah County Sheriff's Department. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Sheriff and Investigative Division supervisor.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the County Attorney.
- (e) Evidence preservation.

324.13 INTERVIEW OR INTERROGATING OF JUVENILE SUSPECTS

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

A juvenile under 14 years of age should have a parent, guardian or legal custodian present when the juvenile makes a *Miranda* waiver (Utah R. Juv. P. Rule 26).

324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender 14 years of age or older may be photographed or fingerprinted by the Division of Juvenile Justice Services upon admission to a detention facility or upon order of the juvenile court. An deputy should not photograph or fingerprint a juvenile (Utah Code 78A-6-1104).

324.15 RECORDS

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a minor. Juvenile record disclosures are governed by Utah Code, Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA) and the federal Family Educational Rights and Privacy Act (FERPA) (Utah Code 78A-6-112(3)(b)(iii)).

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

The Records Supervisor should maintain a copy of any current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms.

Only information authorized by law will be released to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Investigative Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

Elder Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Department with direction and understanding of their role in the prevention, detection and intervention in incidents of elder abuse. It is the policy of the Uintah County Sheriff's Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Utah Code 76-5-111).

Abandonment - Any knowing or intentional action or inaction, including desertion, by a person or entity acting as a caretaker for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter or medical or other health care (Utah Code 76-5-111(1)(a)).

Abuse - Attempting to cause harm, intentionally or knowingly causing harm or intentionally or knowingly placing another in fear of imminent harm and includes (Utah Code 76-5-111(1)(b)):

- Unreasonable or inappropriate use of physical restraint, medication or isolation that causes or is likely to cause harm to a vulnerable adult, which is in conflict with a physician's orders or used as an unauthorized substitute for treatment, unless that conduct furthers the health and safety of the adult.
- Emotional or psychological abuse.
- Sexual offense as described in Utah Code 76-5-101 et seq.
- Deprivation of life sustaining treatment, except as provided in Utah Code 75-2a-101 et seq., or when informed consent, as defined in Utah Code 76-5-111, has been obtained.

Caretaker - Any person, entity, corporation or public institution that assumes the responsibility of providing a vulnerable adult with care, food, shelter, clothing, supervision, medical or other health care or other necessities. Caretaker includes a relative by blood or marriage, a household member, a person who is employed or who provides volunteer work, or a person who contracts or is under court order to provide care (Utah Code 76-5-111(1)(d)).

Elder abuse - Abuse, neglect or exploitation of an elder adult (Utah Code 76-5-111(1)(b)). An adult is not considered abused, neglected or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, non-medical forms of healing in lieu of medical care.

Elder adult - Any person 65-years of age or older (Utah Code 76-5-111(1)(f)).

Emotional or psychological abuse - Intentional or knowing verbal or nonverbal conduct directed at a vulnerable adult, including ridiculing, intimidating, yelling, swearing, threatening, isolating, coercing, harassing or other forms of intimidating behavior that result or could result in the vulnerable adult suffering mental anguish or emotional distress,

Uintah County Sheriff's Department

Policy Manual

Elder Abuse

including fear, humiliation, degradation, agitation, confusion or isolation (Utah Code 76-5-111(1)(i)).

Exploitation - A person commits the offense of exploitation of a vulnerable adult when the person:

- Is in a position of trust and confidence or has a business relationship with the vulnerable adult and knowingly, by deception or intimidation, obtains or uses or endeavors to obtain or use, the vulnerable adult's funds, credit, assets or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit or possession of his/her property for the benefit of someone other than the vulnerable adult.
- Knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, the vulnerable adult's funds, assets or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit or possession of his/her property for the benefit of someone other than the vulnerable adult.
- Unjustly or improperly uses or manages the resources of a vulnerable adult for the profit or advantage of someone other than the vulnerable adult.
- Unjustly or improperly uses a vulnerable adult's power of attorney or guardianship for the profit or advantage of someone other than the vulnerable adult.
- Involves a vulnerable adult who lacks the capacity to consent in the facilitation or furtherance of any criminal activity.
- Commits sexual exploitation of a vulnerable adult (Utah Code 76-5-111(4)).

Harm - Pain, mental anguish, emotional distress, hurt, physical or psychological damage, physical injury, serious physical injury, suffering or distress inflicted knowingly or intentionally (Utah Code 76-5-111(1)(i)).

Neglect - Any of the following:

- Failure of a caretaker to provide nutrition, clothing, shelter, supervision, personal care or dental, medical or other health care.
- Failure to provide protection from health and safety hazards or maltreatment.
- Failure of a caretaker to provide care to a vulnerable adult in a timely manner and with the degree of care that a reasonable person in a like position would exercise.
- A pattern of conduct by a caretaker without the vulnerable adult's informed consent, resulting in deprivation of food, water, medication, health care, shelter, cooling, heating or other services necessary to maintain the vulnerable adult's well-being.
- Knowing or intentional failure by a caretaker to carry out a prescribed treatment plan that causes or is likely to cause harm to the vulnerable adult.
- Self-neglect by the vulnerable adult (Utah Code 76-5-111(1)(i-v)).
- Abandonment by a caretaker (Utah Code 76-5-111(1)(a)).

Vulnerable adult - An elder adult, or an adult who has a mental or physical impairment which substantially affects that person's ability to:

- Provide personal protection.
- Provide necessities, such as food, shelter, clothing or mental or other health care.
- Obtain services necessary for health, safety or welfare.

Uintah County Sheriff's Department

Policy Manual

Elder Abuse

- Carry out the activities of daily living.
- Manage the adult's own resources.
- Comprehend the nature and consequences of remaining in a situation of abuse, neglect or exploitation (Utah Code 76-5-111(1)(t)).

326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to Utah Code 76-5-111.1, the Uintah County Sheriff's Department is considered a mandated reporter. Employees investigating elder and vulnerable adult abuse shall contact Adult Protective Services within the Department of Human Services, Division of Aging and Adult Services. When the initial report is made to a deputy or the Department, the deputy or the Department shall immediately notify Adult Protective Services intake. Adult Protective Services and the Department shall coordinate, as appropriate, their investigations and provide protection to the vulnerable adult as necessary.

326.3.1 INVESTIGATOR RESPONSIBILITY

The investigator is responsible for the following:

- (a) Providing a copy of the investigative report to Adult Protective Services, if requested. This requirement is applicable even if the initial call was received from Adult Protective Services.
- (b) Retaining the original vulnerable adult abuse report with the initial case file.

326.4 DEPUTY'S RESPONSE

All incidents involving actual or suspected elder and vulnerable adult abuse shall be fully investigated and appropriately documented. A deputy who is required to report suspected abuse, neglect or exploitation of a vulnerable adult and who willfully fails to do so, is guilty of a class B misdemeanor (Utah Code 76-5-111.1(3)(a)).

326.4.1 INITIAL RESPONSE

Deputies may be called upon to make a forced entry as the first responder to the scene of a suspected vulnerable adult abuse report. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, deputies should seek supervisory approval. Deputies must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

326.4.2 STABILIZE THE SITUATION

Deputies must quickly assess the situation to ensure the immediate safety of all persons. Deputies shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.

Uintah County Sheriff's Department

Policy Manual

Elder Abuse

- (c) Assess and define the nature of the problem. Deputies should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.
- (d) Make on-scene arrests when appropriate. Immediate arrest of the alleged abuser (especially when he/she is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

326.4.3 SUPPORT PERSONNEL

The following person should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Detective personnel
- Evidence collection personnel
- Adult Protective Services personnel
- Ombudsman may be called by the deputy or Adult Protective Services if the abuse occurred in a long-term care facility.

326.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation which a deputy reasonably believes that a vulnerable adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may seek an emergency protective order against the person alleged to have committed or threatened such abuse.

A deputy may remove and transport, or cause to have transported, a vulnerable adult to an appropriate medical or shelter facility if the deputy has probable cause to believe that by reason of abuse and/or neglect there exists emergency exigent circumstances and:

- (a) The vulnerable adult will suffer serious physical injury or death if not immediately placed in a safe environment.
- (b) The vulnerable adult refuses to consent or lacks capacity to consent.
- (c) There is not time to notify interested parties or to apply for a warrant or other court order.

326.5 ELDER ABUSE REPORTING

Every allegation of elder abuse shall be documented. When documenting vulnerable adult abuse cases, the following information should be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and who are on-scene

Reporting cases of vulnerable adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

Deputies investigating the abuse of a vulnerable adult shall complete all appropriate Department and state forms.

Discriminatory Harassment

328.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

328.2 POLICY

The Uintah County Sheriff's Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect (Utah Anti-Discrimination Act, Utah Code, Title 34A, Chapter 5).

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

328.3 DISCRIMINATION PROHIBITED

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an employee's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

Retaliation is treating an employee or applicant differently or engaging in acts of reprisal or intimidation against the employee or applicant because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

328.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Uintah County Sheriff's Department

Policy Manual

Discriminatory Harassment

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Utah Anti-Discrimination and Labor Division.
- (b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with County or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Sheriff, Director of Human Services or the County Commission.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.

Uintah County Sheriff's Department

Policy Manual

Discriminatory Harassment

- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Sheriff or Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations.

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegations based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint

Uintah County Sheriff's Department

Policy Manual

Discriminatory Harassment

and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, Director of Human Services, or the County Commission.

328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

328.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- Approved by the Sheriff, County Commission or the Director of Human Services if more appropriate.
- Maintained for the period established in the department's records retention schedule.

328.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

328.9 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Sheriff, Director of Human Services, or the County Commission, or they may contact the Utah Anti-Discrimination and Labor Division and/or the EEOC.

Child Abuse Reporting

330.1 PURPOSE AND SCOPE

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

330.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (Utah Code 62A-4a-403).

330.2 POLICY

The Uintah County Sheriff's Department will investigate all reported incidents of alleged criminal child abuse and ensure DCFS is notified as required by law.

330.3 MANDATORY NOTIFICATION

Members of the Uintah County Sheriff's Department shall notify DCFS when there is reason to believe that a child has been subjected to abuse or neglect, when they observe a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect or when any person notifies the member of abuse or neglect (Utah Code 62A-4a-403).

For purposes of notification, abuse includes, but is not limited to, non-accidental harm or threatened harm of a child (e.g., physical, emotional or developmental injury or damage), sexual abuse (e.g., bigamy, incest, lewdness), or sexual exploitation. Abuse does not include reasonable discipline, restraint, weapon removal or management of a child or other legally justifiable acts (Utah Code 62A-4a-101; Utah Code 78A-6-105).

330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Utah Code 62A-4a-403):

- (a) Notification shall be made immediately to the DCFS Central Intake, and if immediate assistance is required the local DCFS office.
- (b) The date and time of notification should be documented in the related report.

330.4 QUALIFIED INVESTIGATORS

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

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

Uintah County Sheriff's Department

Policy Manual

Child Abuse Reporting

- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

330.5 INVESTIGATIONS AND REPORTING

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

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.6 PROTECTIVE CUSTODY

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

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that

Uintah County Sheriff's Department

Policy Manual

Child Abuse Reporting

the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to DCFS.

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

Children may only be removed from a parent or guardian in the following situations (Utah Code 62A-4a-202.1; Utah Code 78A-6-106):

- (a) When a court order has been issued authorizing the removal of the child.
- (b) Without a court order, when there exist exigent circumstances sufficient to relieve a deputy of the requirement to obtain a warrant.
- (c) Without a warrant when a deputy obtains the consent of the child's parent or guardian.

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

330.6.1 NOTICE AFTER PROTECTIVE CUSTODY

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

330.6.2 SAFE HAVEN LAW

A birth parent may leave a healthy newborn age 72 hours or less at any Utah hospital or fire station that is open 24 hours. Fire personnel shall provide any necessary emergency medical care and relinquish the infant to a hospital as soon as possible. The hospital is responsible for contacting DCFS within 24 hours of receiving the infant and DCFS assumes legal custody of the infant (Utah Code 62A-4a-802).

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

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

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.

Uintah County Sheriff's Department

Policy Manual

Child Abuse Reporting

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

(b) A court order or warrant has been issued.

330.7.3 INTERVIEWS OF CHILDREN IN STATE CUSTODY

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

330.8 MEDICAL EXAMINATIONS

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

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

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Division Supervisor should:

- (a) Work with professionals from the appropriate agencies, including DCFS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Investigation Division Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

330.9.2 DEPUTY RESPONSIBILITIES

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

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

Uintah County Sheriff's Department

Policy Manual

Child Abuse Reporting

- (b) Notify the Investigation Division Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Utah requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy (Utah Code 63G-2-301 et seq.; Utah Code 62A-4a-412).

330.10.2 RETENTION REQUIREMENTS

Recordings of any interview of a child during the investigation of an allegation of any sexual abuse of the child shall be retained for 18 years following the date of the last recording, unless the prosecuting attorney requests in writing that the recording be retained for an additional period of time (Utah Code 77-24-2(4)).

330.11 TRAINING

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 - 1. Out of the zone of safety for his/her chronological age and developmental stage.
 - 2. Mentally or behaviorally disabled.
 - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
 - 5. In a life-threatening situation.
 - 6. In the company of others who could endanger his/her welfare.
 - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person who is missing from his/her home environment and is physically or mentally disabled, missing under circumstances that indicate that the person is endangered, missing involuntarily or a victim of a catastrophe (Utah Code 26-2-27(1)(c)).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the Utah Bureau of Criminal Identification (BCI) Missing Persons Clearinghouse.

332.2 POLICY

The Uintah County Sheriff's Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Uintah County Sheriff's Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

Uintah County Sheriff's Department

Policy Manual

Missing Persons

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Division Supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

332.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a Be on the Look-Out (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A photograph and fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.

Uintah County Sheriff's Department

Policy Manual

Missing Persons

4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

332.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

332.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate, initiating a command post as needed. The reports should be promptly sent to the Records Division.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

332.6.2 RECORDS DIVISION RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigation Division.

332.7 INVESTIGATION DIVISION FOLLOW-UP

The investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 1. The notice shall be in writing and should also include a photograph.
 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

Uintah County Sheriff's Department

Policy Manual

Missing Persons

- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update the Missing Persons Clearinghouse, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.
- (f) Shall maintain a close liaison with the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 (42 USC § 5780).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical records, photos, X-rays and biological samples, as applicable.
- (i) Should attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Utah BCI.
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

332.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

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

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

332.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

Uintah County Sheriff's Department

Policy Manual

Missing Persons

332.9 CASE CLOSURE

The Investigation Division Supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Uintah County or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

332.10 TRAINING

Subject to available resources, the Training Officer should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 1. Assessments and interviews
 2. Use of current resources, such as Mobile Audio Video (MAV)
 3. Confirming missing status and custody status of minors
 4. Evaluating the need for a heightened response
 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Uintah County Sheriff's Department should notify their supervisor, Shift Sergeant or Investigation Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

334.4 AMBER ALERTS

AMBER Alert is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement. The AMBER Alert Plan is tested every year on January 13th and August 26th.

The AMBER Alert does not preclude any law enforcement agency from utilizing or implementing in-house procedures, policies or practices.

Uintah County Sheriff's Department

Policy Manual

Public Alerts

334.4.1 CRITERIA

AMBER Alerts are not to be used for cases involving custodial disputes or runaways that do not meet the criteria. The Department may consider issuing an Endangered Missing Person Advisory to inform law enforcement and the public about cases that don't meet the criteria for an AMBER Alert.

The four criteria required for an AMBER Alert are as follows:

- (a) A confirmed abduction (non-family, non-custodial).
- (b) The child is 17-years of age or younger.
- (c) There is evidence the child is in danger of serious bodily harm or death.
- (d) There is sufficient information available to give out to the public that could assist in the safe recovery of the victim and/or the apprehension of a suspect.

334.4.2 PROCEDURE

- (a) AMBER Alerts are initiated solely by Utah law enforcement agencies utilizing the Utah AMBER Alert Information Form and by meeting the guidelines set forth on that form. The supervisor in charge of the investigation should ensure:
 1. The Bureau of Criminal Identification (BCI) is contacted and informed an alert is about to be sent.
 2. The Utah AMBER Alert Form is prepared using the Utah Criminal Justice Information System (UCJIS) in full (UAA message). A Field AMBER Alert Information Form is available on the Utah Attorney General Office website to help you gather information.
 3. The information (plus photo if available) is entered in the National Crime Information Center (NCIC) using the AMBER Alert Flag (AA).
 4. Hotline telephone banks are set up and staffed. Consider allocating additional resources from other law enforcement agencies.
 5. A photograph of the abducted child and/or suspect is obtained and as soon as possible and emailed or faxed to Utah AMBER Alert.
 6. A Public Information Officer is appointed to handle the press. Once the alert has been activated, media coverage can be overwhelming. The Public Information Officer should be updated constantly to utilize the media as much as possible and receive the maximum exposure for the case.
- (b) The supervisor may also consider the following resources as the circumstances dictate:
 1. The regional Child Abduction Response Team (CART).
 2. The State of Utah CART.
 3. Federal Bureau of Investigation (FBI Local Office).
 4. Prompt entry of information into the Department of Justice Missing Person System (MUPS/NCIC).
 5. National Center for Missing and Exploited Children.
 6. Regional dispatchers may notify law enforcement agencies within their jurisdiction.
 7. BCI can contact other states if an AMBER Alert needs to be broadcast outside of Utah. BCI can also provide training or training materials.

Uintah County Sheriff's Department

Policy Manual

Public Alerts

8. The Utah Public Information Officer Association can provide assistance.
 9. A Child is Missing will contact residents and businesses in the area where the child was last seen by using an automated telephone system. The service is free.
 10. Team Adam Provides experienced child abduction investigators, technical assistance and equipment for free of charge to agencies during child abduction and sexual exploitation investigations.
 11. Project Alert Provides retired federal, state and local law enforcement officers who volunteer their time and expertise as unpaid consultants in missing or exploited child cases. All travel arrangements and costs are paid for by NCMEC.
 12. Laura Recovery Center will help organize community ground searches. The non-profit organization offers its services for free.
- (c) The supervisor shall ensure the assigned Public Information Officer is provided updates regarding the search and investigation, and notified immediately upon locating the abducted child.

334.5 BLUE ALERTS

334.5.1 CRITERIA

The four criteria required for a BLUE Alert are as follows:

- (a) A law enforcement officer has been killed, seriously injured or assaulted with a deadly weapon by the suspect.
- (b) The suspect is an imminent threat to the public and other law enforcement personnel.
- (c) There is information available for the public about the suspect, the suspect's vehicle and vehicle tag.
- (d) Public dissemination of available information will help avert further harm or accelerate apprehension of the suspect.

334.5.2 PROCEDURE

BLUE Alerts are initiated solely by Utah law enforcement agencies through UCJIS and by contacting the BCI.

In the event of an assault with a deadly weapon, serious bodily injury or death of a deputy, the following procedures designed to alert the media shall be followed.

- (a) The Public Information Officer, Shift Sergeant or Detective Supervisor will prepare an initial press release that includes all available information which might aid in locating the suspect:
 1. The license number and/or any other available description or photograph of the vehicle
 2. Photograph, description and/or identification of the suspect
 3. The suspect's identity, age and description, if known
 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 5. Name and phone number of the Public Information Officer or other authorized individual to handle media liaison

Uintah County Sheriff's Department

Policy Manual

Public Alerts

6. A telephone number for the public to call in with leads/information
- (b) The press release should be sent to the local television and radio stations.
- (c) The information in the press release should also be forwarded to the local emergency communications center so that general broadcasts can be made to local law enforcement agencies.

334.6 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a system to rapidly disseminate information about a missing and/or endangered person to law enforcement agencies and the media. The Endangered Missing Person Advisory is a voluntary partnership between law enforcement and local broadcasters for notifying the public about a missing and endangered person. The advisories are initiated solely by Utah law enforcement agencies.

334.6.1 CRITERIA

The following criteria must be met to initiate an Endangered Missing Person Advisory:

- (a) The person must be missing under unexplained or suspicious circumstances.
- (b) The person is believed to be in danger because of age, health, mental or physical disability, environment or weather conditions, in the company of a potentially dangerous person or some other factor that may put the person in peril.
- (c) There is information that could assist the public in the safe recovery of the missing person.

334.6.2 PROCEDURE

When the required criteria are met, the assigned deputy should activate an Endangered Missing Person Advisory by entering descriptive information and deputy contact information into the appropriate UCJIS transaction and by contacting the Bureau of Criminal Identification. The assigned deputy is responsible to enter information into the National Crime Information Center (NCIC) database.

Victim Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Uintah County Sheriff's Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Uintah County Sheriff's Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON

The Sheriff may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Uintah County Sheriff's Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.5 VICTIM INFORMATION

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.

Uintah County Sheriff's Department

Policy Manual

Victim Witness Assistance

- (i) Resources available for victims of identity theft.
- (j) A place for the deputy's name, badge number and any applicable case or incident number.
- (k) The specific information for victims of domestic violence as mandated by Utah Code § 77-36-2.5.
- (l) Local victim centers.
- (m) The Utah Department of Corrections (UDC) Victim Services Unit, which can provide assistance and support to victims whose victimizers are in the custody of the UDC.
- (n) Office of Crime Victim Reparations Program that offers financial assistance.
- (o) The Federal Department of Justice Office for Victims of Crime (OVC), which can also provide assistance.

336.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of the Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.1.1 FEDERAL JURISDICTION

The Federal Government also has the power to investigate and prosecute bias-motivated violence by providing the Justice Department with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (Title 18, USC, Section 245).

338.2 DEFINITIONS

Intimidate or Terrorize - Means an act which causes the person to fear for his physical safety or damages the property of that person or another. The act must be accompanied with the intent to cause or has the effect of causing a person to reasonably fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States (Utah Code 76-3-203.3(3)).

338.3 CRIMINAL STATUTES

Utah Code 76-3-203.3 (Penalty for Hate Crimes) and 76-3-203.4 (Hate Crimes - Aggravating Factors).

338.4 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

- (a) Deputies should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.

338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of the Department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Deputy(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

Uintah County Sheriff's Department

Policy Manual

Hate Crimes

- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once in progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects), the assigned deputy(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned deputy(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (e) Depending on the situation, the assigned deputy(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned deputy(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as *Hate Crimes* and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputy(s) before the end of the shift.
- (g) The assigned deputy(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned deputy(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned deputy(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., possible Temporary Restraining Order through the County Attorney or County Attorney).

338.5.1 INVESTIGATION DIVISION RESPONSIBILITY

If a case is assigned to the Investigation Division, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the County Attorney and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the county or state upon request.

338.6 TRAINING

All members of the Department will receive POST-approved training on hate crime recognition and investigation.

Employee Discipline

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its 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 member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by Uintah County, the Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve deputies and volunteers.

340.2 EMPLOYEE DISCIPLINE

The continued employment of every employee of the Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position, or conduct that tends to disrupt or diminish the public's trust.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of the Department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient Department service.

340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 24 hours of any change in residence address, home phone number or marital status.

340.3.2 CONDUCT

- (a) Any conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement.
- (b) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (c) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff or Undersheriff of such action.

Uintah County Sheriff's Department

Policy Manual

Employee Discipline

- (d) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (e) Engaging in potentially dangerous horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (f) Unauthorized possession of, loss of or damage to Department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (g) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (h) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Sheriff or a designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff or his designee.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of the Department or any other law enforcement agency.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

340.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.

Uintah County Sheriff's Department

Policy Manual

Employee Discipline

- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with it and be responsible for compliance with each of the policies.
- (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of 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.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable

Uintah County Sheriff's Department

Policy Manual

Employee Discipline

criminal activity or enterprise, except as specifically directed and authorized by the Department.

- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; while using any department equipment or system. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Sheriff.
- (y) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming an employee of the Department or which is contrary to good order, efficiency or morale or which tends to reflect unfavorably upon the Department or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).
- (ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

340.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

Uintah County Sheriff's Department

Policy Manual

Employee Discipline

- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating Department safety standards or safe working practices.

340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of the Department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to report in a timely manner the known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure § 1020. The investigation should be completed within 30 days of the discovery of the allegation unless such investigation requires a reasonable exception under the circumstances.

340.4.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within 10 days of receipt of the written reprimand. The Division Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final.

340.5 POST INVESTIGATION PROCEDURES

340.5.1 SERGEANT RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Sergeant of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Sergeant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Undersheriff, the Sergeant may return the entire investigation to the assigned detective or supervisor for further investigation or action.

Uintah County Sheriff's Department

Policy Manual

Employee Discipline

- (b) When forwarding any written recommendation to the Undersheriff, the Sergeant shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

340.5.2 RESPONSIBILITIES OF THE ADMINISTRATION

Upon receipt of any written recommendation for disciplinary action, the Undersheriff shall review the recommendation and all accompanying materials.

The Undersheriff may modify any recommendations and/or may return the file to the Sergeant for further investigation or action.

Once the Undersheriff is satisfied that no further investigation or action is required by staff, the Undersheriff shall determine the amount of discipline, if any, to be imposed.

In the event disciplinary action is recommended, the Undersheriff shall provide the employee with written notice of the following information:

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Undersheriff in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Undersheriff within five days of receiving the notice.
 1. Upon a showing of good cause by the employee, the Undersheriff may grant a reasonable extension of time for the employee to respond.
 2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.
- (e) If any of the following violations are sustained, the Sheriff or Undersheriff shall ensure that the allegation is reported in a timely manner to POST for determination of suspension or revocation of the involved deputy's POST certification under Utah Code § 53-6-211 (Such reporting is required even if the deputy resigns):
 1. Willfully falsifying any information to obtain POST certification.
 2. Being addicted to alcohol or any controlled substance, unless the employee reports the addiction to the Department and to the Director of POST as part of a department early intervention process.
 3. Engaging in conduct which is a state or federal criminal offense.
 4. Refusing to respond, or failing to respond truthfully, to questions after having been issued a warning based on *Garrity v. New Jersey*, 385 U.S. 493 (1967).
 5. Engaging in sexual conduct while on-duty
 6. Being dismissed from the armed forces of the United States under dishonorable conditions.

340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Undersheriff after having had an opportunity to

Uintah County Sheriff's Department

Policy Manual

Employee Discipline

review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This employee response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be accompanied by an uninvolved representative or legal counsel, that person shall not have participation rights. The response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Undersheriff to consider.
- (d) In the event that the Undersheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Undersheriff on the limited issue(s) of information raised in any subsequent materials with-in 5 working days.
- (f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Undersheriff shall consider all information received in regard to the recommended discipline. Should the disciplinary action be such that a possibility of suspension, demotion or termination or a non-probationary employee be considered, the Undersheriff shall then forward the information to the Sheriff. The Sheriff shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Sheriff has issued a written decision, the discipline shall become effective.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.8 POST DISCIPLINE PROCEDURE

If an employee of the Uintah County Sheriff's Department believes that he/she has a grievance based on a disciplinary matter, then that employee shall observe the following procedure (Utah Code 10-3-1106):

- (a) Any employee suspended without pay for more than two days or discharged may, within 10 days from the issuance by the Sheriff of the order of suspension or discharge, appeal to an appeal board or a hearing officer if one has been established.
- (b) The suspended or discharged employee may appear in person and may have counsel and a public hearing.

The findings and decision of the appeal board or hearing officer shall be final.

Any final action or order of the appeal board or hearing officer may be appealed to the Court of Appeals within 30 days of the issuance of the final action or order of the appeal board or hearing officer.

Uintah County Sheriff's Department

Policy Manual

Employee Discipline

340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet Department standards, the employee shall have no right to appeal and the following shall be considered.

- (a) Termination of a probationary employee for failure to pass probation shall be so reflected in the employee's personnel file.
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the appeal procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.
- (c) At all times during any investigation of allegations of misconduct involving a probationary deputy, such deputy shall be afforded all procedural rights set forth in applicable Department policies.
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.
- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.
- (f) In the event that a probationary employee meets his/her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.
- (g) In the event that a probationary employee fails to meet his/her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Sheriff.

Department Technology Use

342.1 PURPOSE AND SCOPE

This policy describes the use of Department computers, software and systems.

342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy.

Computer System - Shall mean all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the Uintah County Sheriff's Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, employees of the agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing in or located in or on the system.

Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or

Uintah County Sheriff's Department

Policy Manual

Department Technology Use

related to the employee's duties, an alleged or suspected violation of a Department policy or a need to perform or provide a service or information when the employee is unavailable.

342.4 AGENCY PROPERTY

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

Uintah County Sheriff's Department

Policy Manual

Department Technology Use

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony or misdemeanor has occurred, the documentation shall take the form of a written crime report.
- (b) In every case where any force is used against any person by sheriff's personnel.
- (c) All incidents involving domestic violence.
- (d) All arrests.

344.2.2 NONCRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any time a deputy points a firearm at any person

Uintah County Sheriff's Department

Policy Manual

Report Preparation

- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms and Qualification Policy)
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)
- (e) Any found property or found evidence
- (f) Any traffic collision above the minimum reporting level (See Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy 360 § Death Investigations. A deputy handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 30 days preceding death).
- (e) Found dead bodies or body parts.

344.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

If the injury or damage is significant, or may expose the County to potential liability, a supervisor should be notified. Supervisors notified of such events should consider requesting an investigation by an allied agency, notification of the Sheriff via chain of command and involvement of County Risk Management assistance.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

Uintah County Sheriff's Department

Policy Manual

Report Preparation

The above reporting requirements are not intended to be all inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.3 EXPEDITIOUS REPORTING

In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or report completions delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require block printing or typing of reports of any nature for Department consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form, by design, may require typing.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

344.6 ELECTRONIC SIGNATURES

The Uintah County Sheriff's Department has established an electronic signature procedure for use by all employees of the Uintah County Sheriff's Department. The Uniformed Field Services Supervisor shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. However, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following.

- (a) At no time shall any employee of the Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.
- (c) Under no circumstance should any member of the Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Sheriff or the Undersheriff.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
 2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should

Uintah County Sheriff's Department

Policy Manual

News Media Relations

include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department should maintain a daily information log of significant law enforcement activities that may be made available, upon request, to media representatives through the Shift Sergeant. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this Department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Criminal history information may be released as provided in the Records Release and Security Policy.

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of the appropriate court.

Uintah County Sheriff's Department

Policy Manual

News Media Relations

Information concerning incidents involving certain sex crimes and other offenses shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated Department media representative, the custodian of records, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Government Records Access and Management Act (Utah Code 63G-2-101, et seq. and the Peace Officer Personnel Files Policy).

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department (See §§ 810 and 1026). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information including current and former personnel (Utah Code 63G-2-302, and 63G-2-304).
 1. The identities of deputies involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved deputy or upon a formal request filed and processed in accordance with the Government Records Access and Management Act (GRAMA).
- (b) Copies of certain official reports may be restricted pursuant to a court rule or a document described in Utah Codes 63G-2-302, 63G-2-304 and 63G-2-305.
 1. The only information permitted to be given to the media regarding a traffic collision is:
 - (a) The name, age, sex and city of residence of each person involved in the accident.
 - (b) The make, model and year of each vehicle involved in the accident.
 - (c) Whether or not each involved person was covered by vehicle insurance.
 - (d) The location of the accident.
 - (e) A description of the accident.
- (c) Criminal History Record Information (CHRI) (Utah Code 53-10-107).
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (e) Information pertaining to pending litigation involving this Department (Utah Code 63G-2-305).
- (f) Information obtained in confidence.
- (g) The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure (Utah Code 63G-2-305).
- (h) Any information that is otherwise privileged or restricted under state or federal law.

Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested, and that they present a professional appearance (Utah Code 78B-1-130).

348.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him/her to not appear in court but to remain available by phone or pager so that he/she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to appear in a timely manner in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this Department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any Department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena to the employee's supervisor or other authorized Department agent. Subpoena service is also acceptable by courier or court liaison from the court to this Department.

348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of the Department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the Department Secretary shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the Department Secretary. The Secretary shall maintain a chronological log of all Department subpoenas and provide a copy of the subpoena to each involved employee.

Uintah County Sheriff's Department

Policy Manual

Court Appearance And Subpoenas

- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the Department Secretary as well as a copy to the individually named employee.

348.2.4 REFUSAL OF SUBPOENA

- (a) Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one-hour before the appointed date and time, inform the Department Secretary or the Shift Sergeant of his/her absence. It shall then be the responsibility of the Department Secretary or Shift Sergeant to notify the issuing authority of the employee's unavailability to appear.
- (b) If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service.
- (c) If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service.
- (d) If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the Department Secretary shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance.

348.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the Department Secretary of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the County Attorney handling the case is the only person authorized to excuse an employee from standby status.

348.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty that are not related to their employment with Uintah County Sheriff's Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisor.

Uintah County Sheriff's Department

Policy Manual

Court Appearance And Subpoenas

348.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions constituting contempt (Utah Code 78B-1-131).

348.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the policy governing agency compensation. In such situations, the Department will also reimburse any deputy for reasonable and necessary travel expenses.

The Department will receive reimbursement for the deputy's compensation through the civil attorney of record who subpoenaed the deputy.

348.3.1 PROCEDURE

To ensure that the deputy is able to appear when required, that the deputy is compensated for such appearance, and to protect the Department's right to reimbursement, deputies shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the deputy or Department is not a party without properly posted fees (Utah Code 78B-1-147).

348.4 OVERTIME APPEARANCES

If the deputy appeared during his/her off-duty time, the deputy will be compensated in accordance with the policy regarding employee compensation.

The overtime on such appearance will be paid from the time the deputy left his/her residence until he/she returned.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed deputy shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a tie and dress pants. Suitable business attire for female employees would consist of a dress blouse and skirt or slacks.

348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard. The employee shall remain in the courtroom or available for appearance until released by the court.

Uintah County Sheriff's Department

Policy Manual

Court Appearance And Subpoenas

348.7 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, any city, or their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Sheriff, County Attorney's Office in criminal cases and county commissioners, 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 city, or their officers and employees.
- (c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matters.

Reserve and Auxiliary Deputies

350.1 PURPOSE AND SCOPE

The Uintah County Sheriff's Department Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels. For the purposes of this policy, "Reserve" includes reserve and auxiliary deputies unless specifically described otherwise.

350.1.1 DEFINITIONS

Sworn - Means having taken the oath of office set forth in Utah Constitution Article IV, Section 10, administered by the law enforcement agency for which a peace officer works.

Reserve Deputy - Means a sworn and certified peace officer, whether paid or voluntary, who:

- (a) Is serving in a reserve capacity for a law enforcement agency that is part of or administered by the state or any of its political subdivisions.
- (b) Meets the basic and in-service training requirements of the peace officer classification in which the deputy will function (Utah Code 53-13-111(3)).

Auxiliary Deputy - Means a sworn, certified, and supervised special function deputy, as described by Utah Code 53-13-112 and is a specific category of special function deputy required to have the level of training of a special function deputy as provided in Utah Code 53-13-105, including no fewer than 40 hours per year of in-service training (Utah Code 53-13-101, 112).

Volunteer - Means a deputy who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.

While on-duty - Means while a deputy is actually performing the job duties and work activities assigned by the employing agency and for which the deputy is trained and certified, and may include time spent outside those duties and activities if that additional time involves an activity that is an integral and necessary part of the job, and is spent for the benefit, and under the direction of, the employing agency (Utah Code 53-13-101(14)(a)). "While on-duty" does not include the time a deputy spends commuting between home and place of employment unless that time involves an on-duty activity identified (Utah Code 53-13-101(14)(b)).

350.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Uintah County Sheriff's Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this Department.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular sheriff's deputies before appointment including any state and or POST requirements.

Uintah County Sheriff's Department

Policy Manual

Reserve and Auxiliary Deputies

350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

The Department may utilize a sworn and certified peace officer in a reserve or auxiliary capacity (Utah Code 53-13-111(1)(a)).

350.2.3 COMPENSATION FOR SHERIFF'S RESERVE OFFICERS

Compensation for reserve deputies is provided as follows:

While serving as a non-paid volunteer in a reserve or auxiliary capacity, or working part-time for fewer hours than that which would qualify the deputy as an "employee" under state or federal law, a peace officer is entitled to benefits in accordance with Utah Code, Title 67, Chapter 20, Volunteer Government Workers Act (Utah Code 53-13-111(2)).

All reserve deputy appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Department upon termination or resignation.

350.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of this department, when authorized, may also serve as reserve deputies. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g. a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 C.F.R.553.30).

350.3 DUTIES OF RESERVE AND AUXILIARY OFFICERS

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Uniformed Field Services Division. Reserve deputies may be assigned to other areas within the Department as needed. Reserve deputies are required to work a minimum of 20 hours per month.

A reserve or auxiliary deputy has peace officer authority only while engaged in the reserve or auxiliary activities authorized by the Sheriff and shall only exercise that spectrum of peace officer authority that the Department is empowered to delegate and for which the deputy has been trained and certified (Utah Code 53-13-111(1)(b)).

An auxiliary deputy is limited to the role of back-up to a law enforcement officer and may not initiate any action authorized for a law enforcement officer. An auxiliary deputy may be separated from a law enforcement officer only under exigent circumstances or when engaged in functions not exclusive to law enforcement (Utah Code 53-13-112).

An auxiliary deputy may exercise that spectrum of peace officer authority that has been designated by statute to the Department, and only while on-duty, and not for the purpose of general law enforcement (Utah Code 53-13-105(2)(a)).

- (a) An auxiliary deputy may not exercise the authority of a peace officer until the deputy has satisfactorily completed an approved basic training program for special function deputies and has been certified by the Sheriff.

Uintah County Sheriff's Department

Policy Manual

Reserve and Auxiliary Deputies

350.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to every policy adopted by the Department. A copy of the Policy Manual will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

350.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

350.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel.
- (b) Conducting reserve meetings.
- (c) Establishing and maintaining a reserve call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual reserve deputy performance.
- (f) Monitoring overall Reserve Program.
- (g) Maintaining liaison with other agency Reserve Coordinators.

350.4 FIELD TRAINING

350.4.1 TRAINING OFFICERS

Deputies of the Department, who demonstrate a desire and ability to train reserve deputies, may train the reserves during Phase II, subject to Shift Sergeant approval.

350.4.2 PRIMARY TRAINING OFFICER

Upon completion of the academy, reserve deputies will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve deputy will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

350.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Uintah County Sheriff's Department. The reserve deputy shall become knowledgeable of the subject matter as outlined. The reserve deputy shall also become proficient with those skills as set forth in the manual.

Uintah County Sheriff's Department

Policy Manual

Reserve and Auxiliary Deputies

350.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve deputy in training.

If the reserve deputy has progressed satisfactorily, the reserve deputy will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

350.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve deputy will no longer be required to ride with the primary training officer. The reserve deputy may now ride with any deputy designated by the Shift Sergeant.

During Phase II of training, as with Phase I, the reserve deputy's performance will be closely monitored. In addition, rapid progress should continue toward the completion of the Field Training Manual. At the completion of Phase II of training, the reserve deputy will return to his/her primary training officer for Phase III.

350.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve deputy will return to the original primary training officer. During this phase, the training officer will evaluate the reserve deputy for suitability to graduate from the formal training program.

At the completion of Phase III, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed his/her formal training. If the reserve deputy has progressed satisfactorily, the reserve deputy will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed all three phases of formal training, the reserve deputy will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve deputy may now be assigned to ride with any deputy for the remaining 200-hour requirement for a total of 484 hours before being considered for relief from immediate supervision.

350.5 SUPERVISION OF RESERVE OFFICERS

Reserve deputies who have attained the status of Level II shall be under the immediate supervision of a regular sworn deputy depending on their level of certification and number of hours with the Department.

Auxiliary deputies shall work under the direction and immediate supervision of a certified law enforcement officer as defined in Utah Code 53-13-103.

350.5.1 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

Uintah County Sheriff's Department

Policy Manual

Reserve and Auxiliary Deputies

350.5.2 IDENTIFICATION OF RESERVE OFFICERS

All reserve deputies will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

350.5.3 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of the Department.

350.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Uniformed Field Services Division Commander.

Reserve deputies are considered at-will employees.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

350.5.5 RESERVE DEPUTY EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

350.6 FIREARMS REQUIREMENTS

350.6.1 CARRYING WEAPON ON-DUTY

Reserve deputies may carry a loaded firearm while on-duty. It is the policy of the Department to allow reserves to carry firearms only while on-duty or to and from duty.

Auxiliary deputies may carry firearms only while on-duty, and only if authorized and under conditions specified by the Department (Utah Code 53-13-105(2)(c)).

350.6.2 CONCEALED FIREARMS PROHIBITED

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid Concealed Weapon License (CWL) issued by the Department of Public Safety, Bureau of Criminal Investigation. If a Reserve deputy does possess a valid CWL the Reserve deputy is permitted to carry the concealed weapon under the same authority and under the same conditions as any private citizen with a valid CWL.

An instance may arise where a Reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to Department standards. The

Uintah County Sheriff's Department

Policy Manual

Reserve and Auxiliary Deputies

weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a Department armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

350.6.3 RESERVE DEPUTY FIREARM TRAINING

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

- (a) All reserve deputies are required to qualify at least every quarterly.
- (b) Reserve deputies may fire at the Department-approved range once each month and more often with the approval of the Reserve Coordinator.
- (c) Should a reserve deputy fail to qualify over a two-month period, that reserve deputy will not be allowed to carry a firearm until proficiency has been reestablished.

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to deputies in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of the Department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of the Department, when another law enforcement agency requests assistance with an arrest or detention of any person. This Department may also request an outside agency to provide assistance.

352.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are usually routed to the Shift Sergeant's office for approval. When an authorized employee of an outside agency requests the assistance of the Department in taking a person into custody, available deputies shall respond and assist in making a lawful arrest. If a deputy receives a request in the field for assistance, that deputy shall notify a supervisor as soon as possible. Arrestees may be temporarily detained by this Department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and with the approval of the Shift Sergeant, will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Uintah County Sheriff's Department personnel. Probation violators detained by this department will be booked at the appropriate county facility.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions if possible. The handling deputy or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting deputy should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Uintah County Sheriff's Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex and kidnap offenders.

356.2 POLICY

It is the policy of the Uintah County Sheriff's Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

The Investigation Division Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Utah Department of Corrections (DOC) in accordance with Utah Code 77-41-102.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.3.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution of higher learning may release the following information, pursuant to every Department policy regarding press releases and/or in accordance with the Government Records Access and Management Act (GRAMA), within the campus community regarding other registered sex offenders:

- (a) The offender's full name.
- (b) The offender's known aliases.
- (c) The offender's gender.
- (d) The offender's race.
- (e) The offender's physical description.
- (f) The offender's photograph.
- (g) The offender's date of birth.
- (h) Crimes resulting in the registration of the offender under Utah Code 77-27-21.5.
- (i) The date of last registration.

Uintah County Sheriff's Department

Policy Manual

Registered Offender Information

The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus.

356.4 PUBLIC INQUIRIES

As a general rule information may not be given over the telephone. Members of the public may access detailed sex and kidnap offender information by way of their personal computer through the Internet at the SONAR website maintained by the Utah Department of Corrections.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to DOC's SONAR website for specific registrant information and photographs.

The Records Supervisor shall release local registered offender information to residents in accordance with the Government Records Access and Management Act (GRAMA).

356.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

356.6 LEGAL MANDATES AND RELEVANT LAWS

Employees responsible for registering and entering sex or kidnap offenders into the database must be certified by the Utah DOC. To obtain and retain certification, the employee must receive initial and annual training from DOC (Utah Code 77-41-104).

The Training Officer will be responsible for ensuring the appropriate training and certifications are maintained.

Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The Uintah County Sheriff's Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to employee on- or off-duty
- Death of a prominent Uintah County official
- Arrest of Department employee or prominent Uintah County official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

358.4 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant is responsible for making the appropriate notifications. The Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first, the internal paging system next and then by pager.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in § 358.2, the Undersheriff and Sheriff shall be notified.

358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the on call detective shall be contacted and respond immediately .

358.4.3 RESERVED

.

Uintah County Sheriff's Department

Policy Manual

Major Incident Notification

358.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of Staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The importance of a thorough death investigation cannot be emphasized enough and shall be in accordance with the Utah Medical Examiner Act (Utah Code 26-4-1, et seq.).

When death occurs under circumstances listed in Utah Code 26-4-7, the death shall be reported to the County Attorney and to the Medical Examiner by the law enforcement agency having jurisdiction over the investigation and shall be made by the most expeditious means available. Failure to give notification or report to the County Attorney and Medical Examiner is a class B misdemeanor (Utah Code 26-4-8).

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Personnel should be called in all suspected death cases unless the death is obvious (decapitated, decomposed) or the patient is on Hospice care. Deputies may pronounce death in accordance with Utah Code 26-34-2, however they are encouraged to allow Emergency Medical Personnel make the determination in accordance with the current Protocols of the Uintah County EMS Council. A supervisor shall be notified in all death investigations.

360.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner's Office is required to inquire into and determine the circumstances, manner and cause of certain deaths. The Medical Examiner shall be called in any of the following cases (Utah Code 26-4-7; Utah Code 26-2-14; Utah Code 62a-4a-405):

- (a) Unattended deaths wherein the deceased has not been attended by a physician in a professional capacity in the 30 days prior to death.
- (b) By violence, gunshot, suicide or accident.
- (c) Sudden death while in apparent good health.
- (d) Unattended deaths, except that an autopsy may only be performed in accordance with the provisions of Utah Code 26-4-9(3).
- (e) Is under suspicious or unusual circumstances.
- (f) Results from poisoning or overdose of drugs.
- (g) Results from diseases that may constitute a threat to the public health.
- (h) Results from disease, injury, toxic effect or unusual exertion incurred within the scope of the decedent's employment.
- (i) Is due to sudden infant death syndrome.
- (j) When a fetal death occurs without medical attendance at or immediately after the delivery or when inquiry is required by the Utah Medical Examiner Act.
- (k) When there is a reason to believe that a child has died as a result of child abuse or neglect.

Uintah County Sheriff's Department

Policy Manual

Death Investigation

- (l) Results while the decedent was in prison, jail, police custody, the state hospital, or in a detention or medical facility operated for the treatment of the mentally ill, emotionally disturbed or delinquent persons.
- (m) Is associated with diagnostic or therapeutic procedures.
- (n) Is described in Utah Code 26-4-7 when request is made to assume custody by a County Attorney or law enforcement agency in connection with a potential homicide investigation or prosecution.

The body shall not be moved without permission of the Medical Examiner or County Attorney having criminal jurisdiction, or his authorized deputy except in cases of affront to public decency or circumstances where it is not practical to leave the body where found, or in such cases where the cause of death is clearly due to natural causes.

However, in all cases, the scene of the event shall not be disturbed until authorization is given by the Medical Examiner to the senior ranking peace officer on the scene and having jurisdiction of the case and conducting the investigation.

360.2.2 SEARCHING DEAD BODIES

The Medical Examiner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Utah Code 26-4-7. The only exception is that a deputy is permitted to make a reasonable search of the body of a person for the limited purpose of locating an anatomical gift card and/or identification. If such a donor card is located, the Medical Examiner shall be promptly notified. The deputy shall also, as soon as reasonably possible, ensure the notification of the appropriate organ procurement organization, tissue bank, or eye bank of the identity of the deceased, the next-of-kin (if known) and the funeral establishment taking custody of the deceased (Utah Code 26-28-112) is completed.

Should exigent circumstances indicate to a deputy that any search of a known dead body is warranted prior to the arrival of the Medical Examiner Investigator, the investigating deputy shall first obtain verbal consent from the Medical Examiner Investigator.

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the deputy pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established, the Medical Examiner will assign a unique identifying number for the body and maintain a file under the assigned number. If possible, this number when applicable shall be included in any report.

Uintah County Sheriff's Department

Policy Manual

Death Investigation

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Utah-OSHA is notified by telephone or teletype with all pertinent information.

Identity Fraud

362.1 PURPOSE AND SCOPE

Identity fraud is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes under the Identity Fraud Act (Utah Code 76-6-1101).

362.1.1 IDENTITY THEFT REPORTING INFORMATION SYSTEM (IRIS)

Deputies should ensure that an IRIS report is made by a victim, even if the fraud is initially reported to the Uintah County Sheriff's Department. Upon receiving identity fraud reports via IRIS, investigating deputies should contact each victim to verify the situation, enter a case number, the investigating deputy's contact information and the case status. This information is automatically returned to a victim's IRIS account, and can be used by the victim to begin resolving issues related to a fraud.

Investigating deputies should utilize IRIS in all Identity Fraud investigations. Investigating deputies should also encourage victims to make an IRIS report anytime personal information is stolen (e.g., theft of a driver's license, social security card) and encourage them to establish Fraud Alerts whenever personal information has been compromised.

362.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, deputies presented with the crime of identity fraud (Utah Code 76-6-1102) shall initiate a report for victims residing within the jurisdiction of the Department. For incidents of identity fraud occurring outside this jurisdiction, deputies should observe the following:
 1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of the Department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and was reported in this jurisdiction).
- (c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.
- (e) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Uintah County Sheriff's Department

Policy Manual

Identity Fraud

362.3 IDENTITY THEFT REPORTING INFORMATION SYSTEM

If the victim is unable to respond to the Department, the victim should be informed of the Internet web site created by the Attorney General which allows a victim of an identity-related crime to report the crime on the web site and have the victim's report routed to the appropriate law enforcement agency for the jurisdiction in which the crime occurred (Utah Code 67-5-22).

Web access to additional information is available at the [Identity Theft Reporting Information System](#) (I.R.I.S.).

Private Persons Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Utah Code 77-7-3.

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

If a peace officer does not immediately exercise arrest powers or initiate criminal proceedings by citation or otherwise, he shall notify the victim of domestic violence his/her right to initiate a criminal proceeding and of the importance of preserving evidence, in accordance with the requirements of Utah Code 77-36-2.1 (Utah Code 77-36-2.2(2)(c)).

- (a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS

Utah Code 77-7-3 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his/her presence.
- (b) When a felony has been in fact committed, and he/she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

364.3.1 MANNER OF MAKING PRIVATE ARREST

The person making the arrest shall inform the person being arrested of his intention, cause and authority to arrest him. Such notice shall not be required when (Utah Code 77-7-6):

- (a) There is reason to believe the notice will endanger the life or safety of the person or another or will likely enable the party being arrested to escape.
- (b) The person being arrested is actually engaged in the commission of, or an attempt to commit, an offense.
- (c) The person being arrested is pursued immediately after the commission of an offense or an escape.

364.3.2 FORCE TO MAKE A PRIVATE PERSONS ARREST

Any person is justified in using any force, except deadly force, which he/she reasonably believes to be necessary to effect an arrest or to defend himself/herself or another from bodily harm while making an arrest (Utah Code 76-2-403).

Uintah County Sheriff's Department

Policy Manual

Private Persons Arrests

364.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:
 1. Take the individual into physical custody for booking.
 2. Release the individual pursuant to a Citation (Notice to Appear Form). The private person's name who made the arrest must appear on the citation (Utah Code 77-7-20(2)(f)).
 3. Release the individual and file a formal complaint with the County Attorney's Office through the Investigation Division (complaint route).

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Department Private Person's Arrest Form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Uintah County Sheriff's Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the Uintah County Sheriff's Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

368.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Uniformed Field Services Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Uintah County Sheriff's Department's LEP services to LEP individuals.

Uintah County Sheriff's Department

Policy Manual

Limited English Proficiency Services

- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Sergeant and Communications Manager. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

Uintah County Sheriff's Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make

Uintah County Sheriff's Department

Policy Manual

Limited English Proficiency Services

every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

368.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

368.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.

Uintah County Sheriff's Department

Policy Manual

Limited English Proficiency Services

- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of

Uintah County Sheriff's Department

Policy Manual

Limited English Proficiency Services

interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Uintah County Sheriff's Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

368.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Uintah Basin Consolidated Dispatch Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims,

Uintah County Sheriff's Department

Policy Manual

Limited English Proficiency Services

witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

368.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Uintah County Sheriff's Department

Policy Manual

Limited English Proficiency Services

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

368.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

368.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained; the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Officer shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Officer shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

368.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Officer shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance. This includes a person who has a hearing loss that requires the use of a Telecommunications Device for the Deaf (TDD) to communicate effectively on the telephone (UAC R746-343-2).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should have a certification approved by the Utah Division of Services for the Deaf and Hard of Hearing Interpreters Certification Panel (UAC R280-203-4).

370.2 POLICY

It is the policy of the Uintah County Sheriff's Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Uniformed Field Services Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the County ADA coordinator regarding the Uintah County Sheriff's Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

Uintah County Sheriff's Department

Policy Manual

Communications with Persons with Disabilities

- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Sergeant and Communications Manager. The list should include information regarding the following:
 - 1. Contact Information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

Uintah County Sheriff's Department

Policy Manual

Communications with Persons with Disabilities

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Uintah County Sheriff's Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.6 TYPES OF ASSISTANCE AVAILABLE

Uintah County Sheriff's Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

Uintah County Sheriff's Department

Policy Manual

Communications with Persons with Disabilities

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

Uintah County Sheriff's Department

Policy Manual

Communications with Persons with Disabilities

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

Uintah County Sheriff's Department

Policy Manual

Communications with Persons with Disabilities

- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

370.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

Uintah County Sheriff's Department

Policy Manual

Communications with Persons with Disabilities

370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Officer shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals who are disabled should receive refresher training at least once every two years thereafter. The Training Officer shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

370.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Uintah Basin Consolidated Dispatch Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Mandatory School Employee Reporting

372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested:

- (a) By this department for any controlled substance offense enumerated in Utah Code 58-37-8, or for any of the offenses enumerated in Utah Code 76-5, Part 4 (Sexual Offenses), 76-9-702 (Lewdness) and 76-9-702.5 (Lewdness Involving A Child).
- (b) By another jurisdiction and upon this department receiving notice that a school employee has committed an act which would, if committed in Utah, be an offense under Subsection (a) the Sheriff or his/her designee is required to immediately report the arrest as follows:

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

Upon arrest for one of the above sections, the Sheriff or his/her designee is mandated to immediately notify the administrator of teacher certification in the State Office of Education and the superintendent of the school district employing the teacher (Utah Code 53-10-211).

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above sections, the Sheriff or his/her designee is mandated make the same notifications as mandated in § 372.2.1.

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

Upon arrest for one of the above sections, the Sheriff or his/her designee is mandated to immediately notify the administrator of the private school employing the teacher and the administrator of teacher certification in the State Office of Education (Utah Code 53-10-211).

DNA Samples

374.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those persons (including qualified minors 14 years or older under Utah Code 53-10-403(3)) who are required to provide DNA specimens, which includes persons convicted or who pleaded guilty to any felony or class A misdemeanor under Utah law (Utah Code 53-10-403 et seq.).

Unless the Department determines there are substantial reasons for using a different method of collection or the person refuses to cooperate with the collection, the preferred method of collection shall be obtaining a saliva specimen.

Every employee designated to collect DNA specimens will receive appropriate training to ensure that the specimens are obtained in accordance with accepted protocol.

374.1.1 DEFINITIONS

DNA - Deoxyribonucleic acid.

DNA specimen (or specimen) - A sample of a person's saliva or blood.

374.2 PERSONS SUBJECT TO DNA COLLECTION

While the courts may order DNA samples taken in a variety of circumstances under the law, including post-conviction requests, members of the Department are only authorized to obtain DNA samples from those qualifying persons under Utah law whose DNA sample is not currently on file with the Department of Public Safety (DPS) absent other lawful means (e.g., consent or a search warrant).

A person is required to provide one DNA specimen. The person shall provide an additional DNA specimen only if the DNA specimen previously provided is not adequate for analysis.

374.2.1 ARRESTEES

Any adult booked into a county jail, who has been convicted or has pleaded guilty under any of the qualifying offenses listed in Utah Code 53-10-403(1)(c) is required to provide DNA samples. The person need not provide a sample if the jail staff can obtain information from the Bureau of Criminal Identification that the bureau has a DNA specimen on file for the person (Utah Code 53-10-404.5).

374.2.2 SEX AND KIDNAP REGISTRANTS

Any adult or qualified juvenile 14 years or older who is required to register as a sex and/or kidnap offender defined in Utah Code 77-41-102 is required to submit a DNA sample (Utah Code 53-10-404, Utah Code 53-10-404).

At the time that any such person registers, updates registration or is notified by the DPS or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided.

Uintah County Sheriff's Department

Policy Manual

DNA Samples

374.3 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples under Utah law, the designated trained employee shall obtain DNA samples in accordance with this policy and proper protocol.

374.3.1 BLOOD SAMPLES

A blood sample shall be drawn in a medically acceptable manner by a licensed professional nurse, a licensed practical nurse, a paramedic, a qualified medical technician, a licensed physician or other person licensed by the state for this purpose (Utah Code 53-10-405(1)(a)).

374.3.2 SALIVA SAMPLES

A saliva sample shall be obtained in a professionally acceptable manner, using appropriate procedures to ensure the sample is adequate for DNA analysis. Every employee designated to collect saliva swab samples (taken from the inside of the mouth) will receive appropriate training to ensure that the specimens are obtained in accordance with accepted protocol.

A right thumbprint should be placed on the collector along with other required identifying information.

If an individual violently resists or presents other officer safety issues, employees may omit saliva swab samples upon approval of a supervisor.

374.3.3 RESERVED

374.3.4 USE OF FORCE TO OBTAIN SAMPLES

If, after a written or oral request, a qualified person refuses to provide any or all of the required DNA samples, a sworn member of the Department may complete a report of the refusal and may refer the person to the prosecuting attorney for additional criminal charges and may use reasonable force established by Department guidelines and procedures to obtain such sample, which shall be under the following conditions (Utah Code 53-10-404(3)(c)):

- (a) Prior to the use of reasonable force, the deputy shall take reasonable steps to secure voluntary compliance and shall document those steps.
- (b) Prior to the use of reasonable force, the deputy should take reasonable steps to determine whether the DPS has on file a DNA specimen for the person.
- (c) Prior to the use of reasonable force, the deputy shall obtain written authorization from a supervisor, which shall minimally include that the individual was asked to provide the sample and refused.
- (d) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped.

For the purpose of this section, the use of reasonable force shall be defined as the force that an objective, trained and competent deputy faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

374.4 PROCESSING DNA SAMPLES

All DNA samples and related materials shall be promptly forwarded to the DPS laboratory using designated mailing tubes, labels and instructions for prompt analysis.

Uintah County Sheriff's Department

Policy Manual

DNA Samples

374.4.1 NOTICE OF A REJECTED SAMPLE

In the event the DPS notifies the Department that a DNA sample is not usable, the individual whose original sample was provided is required to submit to collection of additional samples (Utah Code 53-10-404(4)(b)). The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to the DPS.

374.4.2 FOLLOW-UP NOTICE TO DEPARTMENT OF PUBLIC SAFETY

Within 90 days of submitting any DNA specimen sample to the DPS, this department shall notify the DPS when charges for a qualifying offense have not been filed.

374.5 MISUSE OR UNAUTHORIZED DISCLOSURE

It is unlawful and a policy violation for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes.

374.6 LITIGATION

The Sheriff or a designee shall immediately notify the DPS in the event this department is named in a lawsuit involving the DNA sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Chaplain Program

376.1 PURPOSE AND SCOPE

The Uintah County Sheriff's Department Chaplain Program may be established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

376.2 CHAPLAIN PROGRAM

It is the policy of the Department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for Department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Department.
- (c) By providing counseling, spiritual guidance and insight for Department personnel and their families.
- (d) By being alert to the spiritual and emotional needs of Department personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious and free from excessive debt. Must manage their household, family and personal affairs well. Must have a good reputation with those outside the church.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (e) Membership in good standing with the International Conference of Police Chaplains (ICPC).
- (f) Possess a valid Utah Driver's License.

Uintah County Sheriff's Department

Policy Manual

Chaplain Program

376.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- (a) Appropriate written application.
- (b) Recommendation from their church elders, board or council.
- (c) Interview with Sheriff Chaplain Supervisor.
- (d) Successfully complete an appropriate level background investigation.
- (e) Complete an appropriate probationary period as designated by the Sheriff.

376.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of Department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the Department member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or at home.
- (d) Attending and participating, when requested, in funerals of active or retired members of the Department.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident when requested.
- (f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the Department's mission.
- (g) Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of Department personnel.
- (h) Counseling deputies and other personnel with personal problems, when requested.
- (i) Attending Department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (j) Being responsible for the organization and development of spiritual organizations in the Department.
- (k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (l) Providing liaison with various religious leaders of the community.
- (m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
- (n) Participating in in-service training classes.
- (o) Willing to train to enhance effectiveness.
- (p) Promptly facilitating requests for representatives or ministers of various denominations.
- (q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains

Uintah County Sheriff's Department

Policy Manual

Chaplain Program

should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contact that was provided while functioning as a chaplain for the Uintah County Sheriff's Department.

376.7 CONFIDENTIALITY

Except as otherwise specified, matters of a personal nature that are discussed between chaplains and others shall remain private and confidential. Members of the clergy are not required to reveal penitential communications; however, clergy must report child, elder or dependent adult abuse discovered while acting in any of the following capacities:

- (a) Marriage, family or child counselor.
- (b) Religious practitioner who diagnoses, examines or treats children, elders or dependent adults.

376.8 COMMAND STRUCTURE

- (a) Under the general direction of the Sheriff or designee, chaplains shall report to the Senior Chaplain and/or Shift Sergeant.
- (b) The Sheriff shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander.
- (c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Sheriff. He/she will arrange for regular monthly meetings, act as chairperson of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

376.9 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven days at a time during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Uintah County Sheriff's Department personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a Chaplain Shift Report and submit it to the Sheriff or designee.
- (d) Chaplains shall be permitted to ride with deputies during any shift and observe Uintah County Sheriff's Department operations, provided the Shift Sergeant has been notified and approved of the activity.
- (e) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (f) In responding to incidents, a chaplain shall never function as a deputy.
- (g) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Uintah County Sheriff's Department unless otherwise authorized by the Sheriff or designee.
- (i) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

Uintah County Sheriff's Department

Policy Manual

Chaplain Program

376.9.1 UNIFORMS AND BADGES

A distinct uniform, badge and necessary safety equipment will be provided for the chaplains. This uniform may be similar to that worn by the personnel of the Department.

Public Safety Camera System

378.1 PURPOSE AND SCOPE

The County of Uintah County may operate a public safety camera system for the purpose of creating a safer environment for all those who live, work and visit the County. This policy explains the purpose of the cameras and provides guidelines for their operation and for the storage of captured images.

378.2 PUBLIC SAFETY CAMERA SYSTEM

Cameras may be placed in strategic locations throughout the County at the direction or with the approval of the Sheriff's Department Administration. These cameras can be used for detecting and deterring crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist County officials in providing services to the community.

378.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

378.3.1 MONITORING

Images from each camera will be recorded on a 24-hour basis every day of the week. These images will be transmitted to monitors installed in the Watch Commander's Office and Uintah Basin Consolidated Dispatch Center. When activity warranting further investigation is reported or detected at any camera location, the dispatcher may selectively view the appropriate camera and relay any available information to responding units. The Shift Sergeant or personnel in Uintah Basin Consolidated Dispatch Center are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Sheriff may authorize video feeds from the public safety camera system to be set up at a location other than Uintah Basin Consolidated Dispatch Center for monitoring by other than Department personnel when the provision of such access is in furtherance of this policy.

The cameras only record images and do not record sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high value or high threat areas. In addition, the public safety camera system may be useful for the following purposes:

- (a) To assist in identifying, apprehending and prosecuting offenders.
- (b) To assist in gathering evidence for criminal and civil court actions.
- (c) To help emergency services personnel maintain public order.
- (d) To monitor pedestrian and vehicle traffic activity.
- (e) To help improve the general environment on the public streets.
- (f) To assist in providing effective public services.

Uintah County Sheriff's Department

Policy Manual

Public Safety Camera System

378.3.2 TRAINING

Personnel involved in video monitoring will be appropriately trained and continuously supervised.

378.3.3 PROHIBITED ACTIVITY

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

378.3.4 CAMERA MARKINGS

Except in the case of covert operations or confidential investigations, all public areas that are monitored by public safety cameras shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under sheriff's surveillance. Signs shall be well lit to ensure visibility.

378.4 MEDIA STORAGE

All media will be stored in a secure area with access restricted to authorized persons only.

Recordings not otherwise needed for official reasons shall be retained for a period of not less than seven days and thereafter may be erased. The system shall be configured to automatically purge any recordings older than 30 days.

378.5 REVIEW OR RELEASE OR OF VIDEO IMAGES

The reviewing or the release of video images shall be done only with the authorization of the Sheriff or designee and only with a properly completed written request. Video images needed for a criminal investigation or other official reason shall be collected and booked in accordance with current departmental evidence procedures.

378.5.1 PUBLIC AND OTHER AGENCY REQUESTS

Requests for recorded video images from other government agencies or by the submission of a court order or subpoena shall be promptly submitted to the Communications Manager, who will promptly research the request and submit the results of such search through the Sheriff to the County Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been fully processed by the County Attorney's office.

Video images captured by public safety cameras that are requested by the public or media will be made available only to the extent required by law. Except as required by a valid court order or other lawful process, video images requested under the Government Records Access and Management Act (GRAMA) will generally not be disclosed to the public when such video images are evidence in an ongoing criminal investigation in which a disposition has not been reached.

378.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM

The Sheriff or designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of the purpose, adherence to this sheriff's and any proposed policy changes. The results of each review will be documented and maintained by the Sheriff

Uintah County Sheriff's Department

Policy Manual

Public Safety Camera System

or designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Elder Abuse Policy.

380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Uintah County Sheriff's Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

380.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Uintah County Sheriff's Department

Policy Manual

Child and Dependent Adult Safety

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 2. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify Child Protective Services, if appropriate.
- (d) Notify the field supervisor or Shift Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

380.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 1. Name
 2. Sex
 3. Age
 4. How, where and with whom or which agency the child was placed
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

Uintah County Sheriff's Department

Policy Manual

Child and Dependent Adult Safety

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

380.5 TRAINING

The Training Officer is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animal Policy

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Uintah County Sheriff's Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Uintah County Sheriff's Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for

Uintah County Sheriff's Department

Policy Manual

Service Animal Policy

excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if a deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Volunteer Program

384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support, Search and Rescue members and youth involved in a law enforcement Explorer Post, among others.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator(s) shall be appointed by the Administration. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following except for the Search and Rescue, who have their own by-laws:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.
- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

Uintah County Sheriff's Department

Policy Manual

Volunteer Program

384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the Utah Department of Public Safety.
- (b) Employment.
- (c) References.
- (d) Credit check.

A polygraph exam may be required of each applicant depending on the type of assignment.

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator. Training should reinforce to volunteers that they may not intentionally represent themselves

Uintah County Sheriff's Department

Policy Manual

Volunteer Program

as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.

Uintah County Sheriff's Department

Policy Manual

Volunteer Program

- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

384.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid Utah Driver's License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

384.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete Utah Criminal Justice Information System (UCJIS) and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and UCJIS training is provided for volunteers whenever necessary.

Uintah County Sheriff's Department

Policy Manual

Volunteer Program

384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Department Administration. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Uintah County Sheriff's Department with respect to taking law enforcement action while off-duty.

386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

Deputies should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (Utah Code § 77-9-3).

386.3 FIREARMS

Deputies of this department are strongly urged to carry a firearm while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their department-issued badge and identification and it is recommended that an extra magazine and handcuffs be carried.

Deputies 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 deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.

Uintah County Sheriff's Department

Policy Manual

Off-Duty Law Enforcement Actions

- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

386.4.1 INTERVENTION PROCEDURE

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

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Uintah County Sheriff's Department deputy until acknowledged. Official identification should also be displayed.

386.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

386.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

386.5 REPORTING

Any deputy, prior to taking any off-duty enforcement action, shall notify and receive approval of an Uintah County Sheriff's Department Supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Uintah County Sheriff's Department). If prior contact is not reasonably possible, a deputy shall notify the applicable local law enforcement agency as soon as reasonably possible (Utah Code § 77-9-3). A report shall be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Uintah County Sheriff's Department
Policy Manual

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Uintah County, respond to calls for assistance, act as a deterrent to crime, enforce federal, state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol Division and other Divisions within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Uintah County Sheriff's Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigation Division Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Uintah County Sheriff's Department.

Uintah County Sheriff's Department

Policy Manual

Patrol Function

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Records Division for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate division for retention or follow-up investigation.

400.2.3 PATROL [BRIEFING]

Patrol supervisors, detective sergeants and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol [Briefing] as time permits or by messages to the Officers.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the [Briefing] Room and will be available for review by deputies from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard and the written directive clipboard.

400.2.5 BULLETIN BOARDS

A bulletin board will be kept in the [Briefing] Room and the Investigation Division for display of suspect information, intelligence reports and photographs. New General Orders will be made available for patrol supervisors and will be discussed at [Briefing] and shift meetings. A copy of the General Order will be placed on the [Briefing] Room clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Racial- or Bias-Based Profiling

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Uintah County Sheriff's Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community (Utah Code 10-3-913; Utah Code 17-22-2; Utah Code 53-3-108).

402.1.1 DEFINITION

Definitions related to this policy include:

Racial- or biased-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

402.2 POLICY

The Uintah County Sheriff's Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL- OR BIASED-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit a deputy from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

402.4.1 REASON FOR DETENTION

Deputies detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

Uintah County Sheriff's Department

Policy Manual

Racial- or Bias-Based Profiling

402.4.2 REPORTING TRAFFIC STOPS

Each time a deputy makes a traffic stop, the deputy shall report any information required in the Traffic Function and Responsibility Policy.

402.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
- (b) Supervisors should periodically review MAV recordings, MDT data and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

402.6 ADMINISTRATION

Each year, the Uniformed Field Services Division Commander shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Sheriff. This report should not contain any identifying information regarding any specific complaint, citizen or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the annual report and discuss the results with those they are assigned to supervise.

402.7 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Unit.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the preservation of the scene. Deputies shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity of the crime/disaster scene it shall be maintained until the deputy is relieved by order of a supervisor.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Ensure no suspects are still in the area.
- (b) Broadcast emergency information including all requests for additional assistance.
- (c) Provide first-aid to injured parties if it can be done safely.
- (d) Secure the inner perimeter with crime scene tape.
- (e) Protect items of apparent evidentiary value.
- (f) Start a chronological log noting critical times and personnel allowed access.

406.2.2 ENFORCEMENT

Any sworn member of the Uintah County Sheriff's Department may enforce all orders of the local health authority issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Utah Code 26-6b-2 and Utah Code 26-6b-3).

If an individual refuses to comply with an order of the Department of Health or local health authority issued to prevent the spread of a communicable disease, infectious agent, or contamination, the issuing authority may petition a District Court for an order for involuntary examination, treatment, quarantine or isolation of the individual in accordance with Utah Code 26-6-4.

406.3 SEARCHES AT CRIME OR DISASTER SCENES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

Uintah County Sheriff's Department

Policy Manual

Crime and Disaster Scene Integrity

406.3.1 CONSENT

Deputies should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

Crisis Response Unit

408.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

408.1.1 OPERATIONAL AND ADMINISTRATIVE STRUCTURE

The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational sections. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to Department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. These incidents include, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of Department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 LEVELS OF CAPABILITY/TRAINING

408.2.1 LEVEL I

A Level I SWAT team is a basic team capable of providing containment and intervention in critical incidents that exceed the training and resources available to line-level deputies. This does not include ad hoc teams of deputies that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5 percent of the basic team's on-duty time should be devoted to training.

408.2.2 LEVEL II

A Level II SWAT team is an intermediate level SWAT team capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5 percent of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

408.2.3 LEVEL III

A Level III SWAT team is an advanced level team whose personnel function as a full-time unit. Generally 25 percent of their on-duty time is devoted to training. Level III teams

Uintah County Sheriff's Department

Policy Manual

Crisis Response Unit

operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

408.3 PROGRAM

It is recommended that the Department maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control.
- (b) Containment.
- (c) Entry/Apprehension/Rescue.

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

408.3.1 PROGRAM CONSIDERATIONS

An assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or designee.

408.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

408.3.3 OPERATIONAL PROCEDURES

This Department shall develop a separate written set of operational procedures that are in accordance with a SWAT team's level of capability, and that use sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

Uintah County Sheriff's Department

Policy Manual

Crisis Response Unit

1. All SWAT team members should have an understanding of operational planning.
 2. SWAT team training should consider planning for both spontaneous and planned events.
 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation, which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post-incident scene management including:
1. Documentation of the incident.
 2. Transition to investigations and/or other units.
 3. Debriefing after every deployment of the SWAT team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents, and affords the opportunity for individual and team assessments. Debriefing also helps to identify training needs and reinforces sound risk management practices.
 - (b) Such debriefing should not be conducted until involved deputies have had the opportunity to individually complete necessary reports or provide formal statements.
 - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
 - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment deployed.

408.4 TRAINING NEEDS ASSESSMENT

The SWAT/CRU Commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and the Department Policy Manual.

Uintah County Sheriff's Department

Policy Manual

Crisis Response Unit

408.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of a Department-approved Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed Department requirements.

408.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

408.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander Course or its equivalent. SWAT command personnel should attend a POST-certified SWAT Commander Course, Tactical Commander Course or its equivalent.

408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CRU Commander. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score within 30 days. The member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that deputy to seek remedial training from a team Rangemaster approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

Uintah County Sheriff's Department

Policy Manual

Crisis Response Unit

- (e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the CRU Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

408.4.6 SCENARIO-BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

408.5 UNIFORMS, EQUIPMENT AND FIREARMS

408.5.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.5.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

408.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units and the supporting resources should be agency-issued or approved, including any modifications, additions or attachments.

408.5.4 OPERATIONAL READINESS INSPECTIONS

The CRU Commander shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CRU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the CRU facility and equipment maintained or used in CRU vehicles.

408.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The Commander of the CRU shall be selected by the Sheriff upon recommendation of Staff.

Uintah County Sheriff's Department

Policy Manual

Crisis Response Unit

408.6.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, the Crisis Response Unit shall be managed by assignment.

408.6.2 TEAM SUPERVISORS

The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Sheriff upon specific recommendation by Staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.

- (a) The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team, which will include deployment, training, first line participation and other duties as directed by the CRU Commander.
- (b) The SWAT supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation and other duties as directed by the CRU Commander.

408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

408.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the CRU Commander and the Crisis Negotiation Team Supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CRU Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

The oral board shall submit a list of successful applicants to Staff for final selection.

408.7.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the Negotiation Team should attend the POST-certified (or approved) Basic Negotiators Course prior to an actual crisis situation.

Uintah County Sheriff's Department

Policy Manual

Crisis Response Unit

Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The following procedures serve as directives for the administrative operation of the SWAT Team.

408.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Division Commander, a copy of which will be forwarded to the CRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the CRU Commander. Applicants will be evaluated by the following criteria:
 - 1. Recognized competence and ability as evidenced by performance.
 - 2. Demonstrated good judgment and understanding of critical role of SWAT member.
 - 3. Special skills, training or appropriate education as it pertains to this assignment.
 - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on his/her field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to Staff, by the CRU Commander, for final selection.

Uintah County Sheriff's Department

Policy Manual

Crisis Response Unit

408.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

408.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the SWAT Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team, such as warrant service operations. This shall be at the discretion of the CRU Commander.

408.9.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Crisis Response Unit is to respond. Upon final determination by the Shift Sergeant, he/she will notify the CRU Commander.

408.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order and ensure the protection of property.

408.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Sergeant. Deployment of the Uintah County Sheriff's Department Crisis Response Unit in response to requests by other agencies must be authorized by a Division Commander.

408.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOUs, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Uintah County Sheriff's Department SWAT team shall operate under the policies, procedures and command of the Uintah County Sheriff's Department when working in a multi-agency situation.

Uintah County Sheriff's Department

Policy Manual

Crisis Response Unit

408.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The on-scene supervisor shall make a request to the Shift Sergeant for the Crisis Response Unit. The Shift Sergeant shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Shift Sergeant's office by the CRU Commander. The Shift Sergeant will then notify the Uniformed Field Services Division Commander as soon as practical.

The Shift Sergeant should advise the CRU Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of deputies involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Commander or supervisor shall then call selected deputies to respond.

408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practicable and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.
 - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief the CRU Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Commander or designee shall maintain communications at all times.

Uintah County Sheriff's Department

Policy Manual

Crisis Response Unit

408.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or designee.

Ride-Along Program

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Uintah County Sheriff's Department Ride-Along Program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons, however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15-years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Sheriff, Undersheriff or Sergeant.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a Ride-Along Waiver Form. Information requested will include a valid ID or Utah driver's license, address and telephone number. If the participant is under 18-years of age, a parent/guardian must be present to complete the Ride-Along Waiver Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, sheriff's applicants and all others with approval of the Shift Sergeant.

An effort will be made to ensure that persons of the opposite sex of the Deputy be doubled up with another person of the same sex as the ride-a-log.

Uintah County Sheriff's Department

Policy Manual

Ride-Along Program

410.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of the Department or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Shift Sergeant.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a state records check through the Bureau of Criminal Investigation (BCI) prior to their approval as a ride-along with a law enforcement officer, provided that the ride-along is not an employee of the Uintah County Sheriff's Department or employed by another law enforcement agency.

410.3 DEPUTY'S RESPONSIBILITY

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another law enforcement vehicle respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Supervisor is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the Ride-Along Waiver Form shall be returned to the Watch Supervisor with any comments which may be offered by the deputy.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the deputy.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any sheriff's equipment.
- (c) The ride-along may terminate the ride at any time. If the ride-along interferes with the performance of the deputy's duties, the deputy may terminate the ride-along and return the observer to his/her home or to the station.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Deputies will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Utah Administrative Code R315-1, the following is to be the policy of the Department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; it is characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, clandestine drug labs or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens:

- (a) Attempt to identify the type of hazardous substance while maintaining a safe distance (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Sheriff's vehicles should be parked up wind from the hazardous material.
- (c) Notify the fire department.
- (d) Consider activation of Incident Command System (ICS) protocols.
- (e) Provide first-aid for injured parties if it can be done safely and without contamination.
- (f) Begin evacuation of the immediate area and surrounding areas, dependent on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Undersheriff. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

Uintah County Sheriff's Department

Policy Manual

Hazardous Material Response

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

414.2 POLICY

It is the policy of the Uintah County Sheriff's Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 EMERGENCY COMMUNICATIONS

Should circumstances at the scene permit, a supervisor or negotiator may contact the Attorney General or the District Attorney for approval to intercept any wire, electronic or oral communication and/or to use an eavesdropping device (e.g., camera or audio device) when there is an immediate threat of death or serious bodily injury to any person or to national security. The supervisor or negotiator who has been granted approval shall ensure that an application for an appropriate court order approving the interception is sought within 48 hours after the interception begins (Utah Code 77-23a-10(7)).

Uintah County Sheriff's Department

Policy Manual

Hostage and Barricade Incidents

414.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic

Uintah County Sheriff's Department

Policy Manual

Hostage and Barricade Incidents

and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
 - (b) Ensure the completion of necessary first responder responsibilities or assignments.
 - (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
 - (d) Establish a command post location as resources and circumstances permit.
 - (e) Designate assistants who can help with intelligence information and documentation of the incident.
 - (f) If it is practicable to do so, arrange for video documentation of the operation.
-

Uintah County Sheriff's Department

Policy Manual

Hostage and Barricade Incidents

- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Uintah Basin Consolidated Dispatch Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

414.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU. The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Shift Sergeant including:
 1. The stated threat.
 2. Exact comments.
 3. Time of discovery.
 4. Exact location of the device.
 5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the Bomb Squad or military ordnance disposal team.

416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding deputies should consider the following actions:

Uintah County Sheriff's Department

Policy Manual

Response to Bomb Calls

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Emergency Medical Service has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- (a) Fire department.
- (b) Bomb squad.
- (c) Additional deputies.
- (d) Field supervisor.
- (e) Shift Sergeant.
- (f) Detectives.
- (g) Forensic Science Services.

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.4 BOMB THREATS RECEIVED AT SHERIFF'S FACILITY

This procedure should be followed should a bomb threat call be received at the sheriff's facility.

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received at the Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?

Uintah County Sheriff's Department

Policy Manual

Response to Bomb Calls

- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the sheriff's facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

416.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Shift Sergeant is immediately advised and fully informed of the details. The Shift Sergeant will then direct and assign deputies as required for coordinating a general building search or evacuation as he/she deems appropriate.

Mental Illness Commitments

418.1 PURPOSE AND SCOPE

This procedure describes a deputy's duties when a person is to be committed to a mental health unit pursuant to Utah Code 62A-15-629(2). The commitment of a person under this section does not constitute an arrest. If a deputy believes that a person falls within the provisions of Utah Code 62A-15-629(2), he/she shall transport that person to the designated facility for evaluation and commitment.

418.2 AUTHORITY

Pursuant to Utah Code 62A-15-629(2), if a deputy observes a person involved in conduct that gives the deputy probable cause to believe that the person is mentally ill and because of that apparent mental illness and conduct, there is a substantial likelihood of serious harm to that person or others, pending proceedings for examination and certification under this part, the deputy may take that person into protective custody. The deputy shall cause the person to be transported to the designated facility of the appropriate local mental health authority pursuant to this section, either on the basis of his/her own observation or on the basis of a mental health officer's observation that has been reported to him/her by that mental health officer. Immediately thereafter, the deputy shall place the person in the custody of the local mental health authority and make application for commitment of that person to the local mental health authority.

418.3 DEPUTY CONSIDERATIONS AND RESPONSIBILITIES

Any deputy responding to or handling a call involving a suspected or actual mentally disabled individual or an involuntary commitment should carefully consider the following:

- (a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities.
- (b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons.
- (c) Appropriate language usage when interacting with mentally disabled persons.
- (d) If circumstances permit, alternatives to deadly force when interacting with potentially dangerous mentally disabled persons.
- (e) Community resources which may be readily available to assist with mentally disabled individuals.

418.3.1 TRANSPORTATION

When transporting any individual for an involuntary commitment, the handling deputy should have Uintah Basin Consolidated Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether any special medical care is needed.

Deputies may transport patients in the patrol vehicle and shall secure them in accordance with the Handcuffing Policy. Transportation of mentally ill persons shall be conducted by the appropriate municipal, or city or town, law enforcement authority or, under the appropriate law enforcement's authority, by ambulance. However, if the designated facility is outside of that authority's jurisdiction, the appropriate county sheriff shall transport the person or

Uintah County Sheriff's Department

Policy Manual

Mental Illness Commitments

cause the person to be transported by ambulance (Utah Code 62A-15-629(4)). The deputy shall cause a person to be transported by ambulance if the person is medically or mentally unstable, requiring direct medical observation during transport (Utah Code 26-8a-305(2)). The deputy will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member. As soon as a security staff member becomes available, he/she should relieve the deputy and physically remain in the treatment room with the patient.

418.3.2 RESTRAINTS

If the patient is violent or potentially violent, the deputy will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the deputy will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.3 MENTAL HEALTH DOCUMENTATION

The deputy will complete the prescribed form and provide it to the staff member assigned to that patient. The deputy will retain a copy of the 24-hour evaluation for inclusion in the case report. The deputy shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary commitment.

418.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and deputies determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the sheriff's vehicle.

418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the Uintah County Sheriff's Department before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination pursuant to Utah Code 62A-15-629(2) and is found to own, have in his/her possession or under his/her immediate control, any firearm whatsoever or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by the handling deputy. The firearm or other deadly weapon shall be booked into evidence until further processing.

Deputies are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

The handling deputy shall further advise the person of the below described procedure for the return of any firearm or other deadly weapon which has been confiscated. For purposes of this section, deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Utah Code 76-10-501(5)).

418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

- (a) Whenever the handling deputy has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the deputy shall detail

Uintah County Sheriff's Department

Policy Manual

Mental Illness Commitments

those facts and circumstances in a report. The report shall be forwarded to the Investigation Division which shall be responsible for initiating a petition to the court for a hearing to determine whether the weapon(s) will be returned.

- (b) The petition to the court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, and that he/she has 30 days to confirm with the court clerk any desire for a hearing, and that the failure to do so will result in the forfeiture of any confiscated weapon(s).
- (c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification.
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 3 months after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Utah Code 77-24-4(2)).

418.6 TRAINING

As a part of advanced deputy training programs, this agency will endeavor to include POST-approved training on interaction with mentally disabled persons.

Cite and Release

420.1 PURPOSE AND SCOPE

Utah Code 77-7-18 allows law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Utah Code 77-7-18. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked.

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of the Department, except in cases of hot and/or fresh pursuit, while following up on crimes committed within the County or while assisting another agency. On-duty deputies who discover criminal activity outside the jurisdiction of the County should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved deputy shall clearly identify him/herself as a sheriff's deputy.

Deputies are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

420.2.2 LEGISLATIVE PRIVILEGE

Members of the Legislature shall not be subject to arrest during each general and special session of the Legislature or for 15 days immediately preceding and following each session, except for any felony, treason or breach of the peace. Legislators may be issued a citation and a summons to appear at a date outside of the time of legislative privilege (Utah Constitution Article VI § 8).

420.3 DEPARTMENT PROCEDURE

The following procedures will be followed to comply with Utah Code 77-7-18.

420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present.

Uintah County Sheriff's Department

Policy Manual

Cite and Release

Deputies may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate. A legible right index fingerprint should be obtained to facilitate a criminal history entry by the Bureau of Criminal Investigation (BCI).

420.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested will be transported to the jail and incarcerated.

420.3.3 RESERVED

420.3.4 RESERVED

420.3.5 INSTRUCTIONS TO CITED PERSON

The citing deputy shall, at the time he/she asks the defendant to sign the Notice to Appear Form, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 RESERVED

420.5 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of Utah Code, Title 41.
- If the person cited is older than 15-years of age under 18-years of age, and if any of the charges allege a violation of Utah Code, Title 41, the court shall promptly mail a copy of the citation or a notice of the citation to the address as shown on the citation, to the attention of the parent or guardian of the defendant (Utah Code 77-7-21(1)(d)).
- Violations of the Uintah County County codes.

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigation Division for further action including diversion.

420.6 REQUESTING CASE NUMBERS

Many cases involving a traffic citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Utah Code sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 30 of the Vienna Convention on Consular Relations, operative as to the United States on December 24, 1969, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to deputies when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in Table 1 (appendix) or the Department of State [web site](#).

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies, consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized, and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the deputy, and the deputy has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to Foreign Service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic

Uintah County Sheriff's Department

Policy Manual

Arrest or Detention of Foreign Nationals

agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Utah but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official-acts. Official acts immunity must be raised as an affirmative defense in the court of jurisdiction; and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by the Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

Currently, there is one Consulate Office in Utah, which is the Consulate of Mexico.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are 6 honorary consuls in Utah:

- Honorary Consul of Brazil
- Honorary Consul of El Salvador
- Honorary Consul of South Africa
- Honorary Consul of Spain
- Honorary Consul of Uruguay
- Honorary Consul of New Zealand

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying foreign service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, foreign service personnel should also have a driver's license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or foreign service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white and blue license plate. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words diplomat or consul. Vehicles owned by honorary consuls are not issued OFM license plates but may have Utah license

Uintah County Sheriff's Department

Policy Manual

Arrest or Detention of Foreign Nationals

plates with an honorary consul label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating US as the state, if the deputy has reason to question the legitimate possession of the license plate.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting deputy:

- (a) Identification documents are to be requested of the claimant.
- (b) The title and country represented by the claimant are to be recorded on the back of the deputy's copy of the Notice to Appear Form for later reference. Do not include on the face of the Notice to Appear Form.
- (c) The claimant shall be requested to sign the Notice to Appear Form. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear Form. The word *Refused* shall be entered in the signature box, and the violator shall be released.
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear Form, but a signature shall not be required if their immunity status is uncertain.
- (f) All other claimants are subject to the provisions and any policy outlined in this chapter.
- (g) The violator shall be provided with the appropriate copy of the Notice to Appear Form.

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in § 422.6.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the deputy or others).

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification

Uintah County Sheriff's Department

Policy Manual

Arrest or Detention of Foreign Nationals

cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, when the deputy has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of the Foreign Missions

Los Angeles, CA

(310) 235-6292, Ext. 121 or 122

(310) 235-6297 FAX

(0800-1700 PST)

Office of Foreign Missions

Department of State

Diplomatic Motor Vehicle Office

Diplomatic Security Service

Washington D.C.

Command Center

(202) 895-3521 (Driver License Washington D.C.

Verification) or (202) 647-7277

(202) 895-3532 (Registration Verification) (202) 647-1512

(202) 895-3533 FAX (Available 24 hours)

(0815-1700 EST) (202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver's licenses issued by the Department of State; and the Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

Uintah County Sheriff's Department

Policy Manual

Arrest or Detention of Foreign Nationals

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest Report, Arrest Report and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver's License, issued by the DMVO, shall have D coded in the license class box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) along with the claimant's title, country and type of identification presented should be recorded in the narrative portion of the report. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in § 422.5.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored or impounded without the owner's permission (Such permission may be assumed if the vehicle has been stolen). These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Sheriff within 48 hours whether the claim is verified. The words Immunity Claim shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Shift Sergeant/supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating deputy along with any supervisor's notes, materials and/or logs to the Sheriff's office within 48 hours of the incident. Notification to the Department of State and completion of necessary follow-up will be verified by the office of the Sheriff.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Deputies shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest.
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.
- (c) Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the deputy's presence.

After a lawful detention or criminal arrest, deputies may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable

Uintah County Sheriff's Department

Policy Manual

Arrest or Detention of Foreign Nationals

time. Deputies shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Deputies shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a deputy arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the deputy shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the deputy shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever a deputy physically arrests or detains an individual for criminal investigation and the deputy reasonably believes the person to be a foreign national, the deputy shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the deputy shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the deputy shall contact Uintah Basin Consolidated Dispatch Center as soon as practical and request the appropriate embassy/consulate be notified. Deputies shall provide Uintah Basin Consolidated Dispatch Center with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, deputies shall provide Uintah Basin Consolidated Dispatch Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

422.7.2 DOCUMENTATION

Deputies shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Uintah Basin Consolidated Dispatch Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

Rapid Response And Deployment Policy

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

The policy of the Department in dealing with the crisis situation shall be:

- (a) To obtain and maintain complete operative control of the incident.
- (b) To explore every reasonably available source of intelligence regarding the circumstances, location and suspect(s) in the incident.
- (c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
- (d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
- (e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to immediately eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action deputies should consider:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using two or more deputies whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the deputies have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.
- (e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.
- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

Uintah County Sheriff's Department

Policy Manual

Rapid Response And Deployment Policy

- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the deputy should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on- or off-duty and occurring outside the jurisdiction of the Uintah County Sheriff's Department.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Shift Sergeant. If the request is of an emergency nature, the deputy shall notify Uintah Basin Consolidated Dispatch Center before responding and thereafter notify a supervisor as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Prior to a deputy taking any action beyond the limits of the deputy's normal jurisdiction, the deputy 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(2)(a)).

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Uintah County Sheriff's Department shall notify his/her supervisor or the Shift Sergeant at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify the Shift Sergeant as soon as practical.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Division Commander.

Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of the Department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, U.S.C., dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C., §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, U.S.C.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

428.3.2 SWEEPS

The Uintah County Sheriff's Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of the Department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by an employee of the Department should be based upon the reasonable belief that an individual is involved in criminal activity.

Uintah County Sheriff's Department

Policy Manual

Immigration Violations

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating deputy should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the deputy intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the deputy may take the person into custody on the suspected criminal violation.

428.3.6 BOOKING

If the deputy is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail (Utah Code § 77-7-2 and Utah Code § 76-8-301.5).

428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

If a deputy believes that an individual taken into custody for a felony is also an undocumented alien and after booking, if there is no intention to transport to the county jail, ICE shall be informed by the arresting deputy so that they may consider placing an immigration hold on the individual.

If a deputy believes that an individual taken into custody for an offense other than a felony is also an undocumented alien, and the individual is not going to be booked into county jail, the arresting deputy may cause ICE to be notified for consideration of an immigration hold. In making the determination whether to notify ICE in such circumstances, the deputy should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- (a) Seriousness of the offense
- (b) Community safety
- (c) Potential burden on ICE
- (d) Impact on the immigrant community

Generally, deputies will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Uintah County Sheriff's Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

Uintah County Sheriff's Department

Policy Manual

Immigration Violations

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if a deputy suspects that a victim or witness is an undocumented immigrant, the deputy need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict deputies from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. § 1373, 8 U.S.C. § 1644 and Utah Code § 67-5-28).

428.4.1 U-VISA/T-VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. Department of Homeland Security (DHS) Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Investigation Division sergeant assigned to supervise the handling of any related case. The Investigation Division sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS web site at <http://www.uscis.gov/portal/site/uscis>.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The County public works department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practical by Uintah Basin Consolidated Dispatch Center.

430.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or public works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS

Public works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Uintah Basin Consolidated Dispatch Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The County of Uintah County contracts with a private maintenance company to furnish maintenance for all traffic signals within the County, other than those maintained by the State of Utah.

430.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise Uintah Basin Consolidated Dispatch Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Patrol Rifles

432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Uintah County Sheriff's Department will make patrol rifles available to qualified patrol deputies as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Sheriff and the Department armorer.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Sheriff, and issued by the Department may be used by deputies in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Colt AR-15 or authorized rifle.

432.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster, who shall inspect each patrol rifle on a monthly basis and service the patrol rifles as necessary.
- (b) Each patrol deputy carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as out of service and details regarding the weapon's condition shall be included on the label.
- (e) Each patrol rifle shall be subject to inspection by a supervisor, the Rangemaster at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster.

432.5 TRAINING

Deputies shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial 24-hour patrol rifle user's course and scored qualification exercise with a certified patrol rifle instructor. Deputies shall thereafter be required to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor.

Uintah County Sheriff's Department

Policy Manual

Patrol Rifles

Any deputy who fails to qualify or who fails to successfully complete two or more Department-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial 24-hour patrol rifle user's course and scored qualification exercise.

432.6 DEPLOYMENT OF THE PATROL RIFLE

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

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

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Use of Force (§ 300) and Firearm Discharge (§ 304) policies.

432.8 PATROL READY

Any qualified deputy carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned deputy the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

432.9 RIFLE STORAGE

- (a) When not in use, patrol rifles will be stored in the Department armory in rifle racks.
- (b) At the start of each assigned shift, any qualified, on-duty deputy may contact the Shift Sergeant or a patrol supervisor for access to the Department armory.
- (c) The last three digits of the assigned patrol rifle serial number will be recorded on the Daily Activity Log.
- (d) At the end of the assigned deputy's shift, the patrol rifle will be returned and secured in the Department armory.

Aircraft Accidents

434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification and documentation.

434.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows.

434.2.1 DEPUTY RESPONSIBILITY

Deputies should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field deputy at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the medical examiner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, sheriff's personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this department may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

The NTSB has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident the appropriate branch of the military will be involved

Uintah County Sheriff's Department

Policy Manual

Aircraft Accidents

in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an onsite investigation, at the discretion of the pilot or the owner.

434.2.3 UINTAH BASIN CONSOLIDATED DISPATCH CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Fire department.
- (b) The affected airport tower.
- (c) Closest military base if a military aircraft is involved.
- (d) Ambulances or other assistance as required.

When an aircraft accident is reported to the Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the FAA Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

434.2.4 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for the following:

- (a) Forward and maintain an approved copy of the accident report to the Utah Department of Transportation, Division of Aeronautics.
- (b) Forward a copy of the report to the Uniformed Field Services Division Commander and the manager of the affected airport.

434.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Department Public Information Officer is responsible for the following:

- (a) Obtain information for a press release from the on-scene commander or designee.
- (b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the media.

Uintah County Sheriff's Department

Policy Manual

Aircraft Accidents

434.3 DOCUMENTATION

Any aircraft accident (crash) within the County, regardless of whether injuries or deaths occur, shall be documented.

Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Uintah County Sheriff's Department.

It is the policy of the Department to assign all new sheriff's deputies to a structured Field Training Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of four years of patrol experience, two of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Possess a POST Basic certificate.

436.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a POST-certified 24-hour Field Training Officer's Course prior to being assigned as an FTO.

FTO's should attend an annual 16-hour Field Training Officer Annual Conference while assigned to the position of FTO.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Uniformed Field Services Division Commander or designee and shall possess a POST First-Line Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.

Uintah County Sheriff's Department

Policy Manual

Field Training Officer Program

- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

436.4 TRAINEE DEFINED

Any entry level or lateral sheriff's deputy newly appointed to the Uintah County Sheriff's Department who has successfully completed a POST-approved Basic Academy.

436.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience.

To the extent practical, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Uintah County Sheriff's Department. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Uintah County Sheriff's Department.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

Uintah County Sheriff's Department

Policy Manual

Field Training Officer Program

436.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

436.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

Obtaining Air Support

438.1 PURPOSE AND SCOPE

The use of a law enforcement helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Shift Sergeant, or designee, will call the closest agency having helicopter support available. The Shift Sergeant will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

Detentions And Photographing Detainees

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available at the time of the detention.

440.2 DEFINITIONS

Detention - Occurs when a deputy intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when a deputy actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the deputy's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee or others.

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

440.3 FIELD INTERVIEWS

Deputies may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the deputy should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.

Uintah County Sheriff's Department

Policy Manual

Detentions And Photographing Detainees

- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

440.3.1 INITIATING A FIELD INTERVIEW

A deputy may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions (Utah Code 77-7-15).

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Uintah County Sheriff's Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

440.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever a deputy reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the deputy has a reasonable fear for his/her own safety or the safety of others (Utah Code 77-7-16). Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

Uintah County Sheriff's Department

Policy Manual

Detentions And Photographing Detainees

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry offensive or deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by deputies of the same gender.

440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the deputy shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in, or was about to become involved in, criminal conduct.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

440.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

Uintah County Sheriff's Department

Policy Manual

Detentions And Photographing Detainees

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Shift Sergeant will forward the photo and documents to the Gang Unit Supervisor. The Gang Unit Supervisor will ensure the photograph and supporting documents are retained as proscribed by Policy § 442.
- (b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Division. These photographs will be purged as described in Policy § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Division in a separate non-booking photograph file in alphabetical order.

440.7.1 PURGING THE FIELD PHOTO FILE

The Records Supervisor will be responsible for ensuring that photographs retained by the Records Division that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Uintah County Sheriff's Department and the booking file remains in the Records Division.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Sheriff who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

440.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Sheriff or designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Sheriff, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Sheriff to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Sheriff or designee to discuss the matter.

Uintah County Sheriff's Department

Policy Manual

Detentions And Photographing Detainees

After carefully considering the information available, the Sheriff or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and any Uintah County Sheriff's Department policy and, even if properly obtained, whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Sheriff or designee determines that the photograph/FI was obtained in accordance with existing law and any Department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Sheriff or designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or any Uintah County Sheriff's Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to any Department policy and applicable law.

If the Sheriff or designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or any Uintah County Sheriff's Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Sheriff or designee determines that any involved Uintah County Sheriff's Department personnel violated existing law or any Department policy, the Sheriff or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Sheriff's determination of whether the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

Criminal Street Gangs

442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Utah Code 76-9-802 et seq. and Utah Code 76-9-902 et seq.

The intent of this policy is to provide for the collection and management of criminal street gang information to enhance officer safety and the criminal prosecution of criminal street gang participants. This policy is not intended or designed to establish a formal gang intelligence database.

442.2 DEFINITIONS

Criminal street gang - An organization, association in fact, or a group of three or more persons, whether operated formally or informally (Utah Code 76-9-802 and Utah Code 76-9-902):

- (a) That is currently in operation.
- (b) That has as one of its primary or substantial activities the commission of one or more predicate gang crimes.
- (c) That has, as a group, an identifying name or identifying sign or symbol, or both.
- (d) Whose members, acting individually or in concert with other members, engage in or have engaged in a pattern of criminal gang activity.

Pattern of criminal gang activity - Committing, attempting to commit, conspiring to commit, or soliciting the commission of two or more predicate gang crimes within five years when these crimes are committed by two or more persons; or committed at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in any criminal conduct by members of the criminal street gang (Utah Code 76-9-802).

Predicate gang crime - Any of the offenses specified in Utah Code 76-9-802 or Utah Code 76-9-902, as well as those other unspecified offenses that otherwise meet the requirement of these codes.

442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

The Gang Information Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and about groups that are suspected of being criminal street gangs.

- (a) An individual shall be designated as a participant in a criminal street gang and included in a gang file when one or more of the following elements have been verified by a Gang Information Unit member and a reasonable basis for believing such affiliation has been established. All entries into the gang file shall be approved by a supervisor:
 1. An individual admits membership in a criminal street gang.
 2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.

Uintah County Sheriff's Department

Policy Manual

Criminal Street Gangs

3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
 4. An individual resides in or frequents a particular criminal street gang's area and affects their style of dress, color of dress, use of jewelry, tattoos, monikers or any other identifiable mannerism associated to that particular criminal street gang, and where the deputy documents reasonable suspicion that the individual is involved in a criminal gang activity or enterprise.
 5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang-related crimes.
 6. An individual is identified as a gang member in a criminal street gang document, or the individual is depicted in a criminal street gang member's photograph in such a manner as to clearly indicate membership in a criminal street gang.
 7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department-approved gang intelligence database and/or 28 CFR § 23.20.
- (b) A deputy's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

442.4 CRIMINAL STREET GANG TEMPORARY FILE

The Gang Unit Supervisor may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected criminal street gang participant or a suspected criminal street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department approved criminal gang intelligence database. Reports and FIs will only be included in a temporary gang file with the written authorization of the Gang Unit Supervisor. A temporary file of criminal street gang participants or criminal street gangs shall include:

- (a) Names, aliases, monikers, addresses, and other relevant identifying information.
- (b) Gang name.
- (c) Justification used to identify an individual as a criminal street gang participant.
- (d) Vehicle(s) known to be used.
- (e) Cross references to other identified gangs or gang members.

442.4.1 REVIEW AND PURGING OF GANG PARTICIPANT FILE

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a department approved criminal gang intelligence database.

The Gang Unit Supervisor shall periodically review temporary files to determine that the information was properly obtained and is suitable for retention. Proper purging is the responsibility of the Gang Unit Supervisor.

Uintah County Sheriff's Department

Policy Manual

Criminal Street Gangs

442.4.2 GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Sheriff may approve one or more criminal gang intelligence databases, such as a statewide repository, for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit Supervisor's responsibility to determine whether a report or FI contains information that would substantiate an entry into a department approved intelligence database. The Gang Unit Supervisor should forward any such reports or FIs to the Records Division after appropriate database entries are made. The submitting Gang Unit Supervisor should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Records Supervisor to retain reports and FIs in compliance with the procedures of the department approved gang/intelligence file and 28 C.F.R. § 23.20. The Records Supervisor may not purge these reports or FIs without the approval of the Gang Unit Supervisor.

Validation and purging of gang intelligence databases is the responsibility of the Gang Unit Supervisor.

442.5 FIELD CONTACTS

Deputies who contact individuals who are, or may be, participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of § 440 (Photographing of Field Detainees).

442.6 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the temporary criminal street gang participant's file, such information shall be provided by the unit supervisor, unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation.

Employees must observe strict compliance with the rules of a department approved gang intelligence database regarding release of information from that database.

442.7 DISSEMINATION OF THE FILE INFORMATION

Information from the temporary criminal street gang participant files may only be furnished to Department personnel and other public law enforcement agencies on a need to know basis. This means information that may be of use in the prevention of gang related criminal activity or information concerning the investigation of gang related crimes shall only be released to members of this department and other law enforcement agencies.

Information from any department approved gang intelligence file must only be released in compliance with the rules for that particular database.

Uintah County Sheriff's Department

Policy Manual

Criminal Street Gangs

442.8 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the deputy's belief that the incident may be related to the activities of a criminal street gang.
- (b) Whether any photographs were taken and a brief description of what they depict.
- (c) What physical evidence, if any, was observed, collected or booked.
- (d) A specific request that a copy of the report be routed to the Gang Information Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

442.9 GANG LOITERING

Deputies may only order suspected gang members to disperse under Utah Code 76-9-903 (prohibiting gang loitering) in the following instances:

- (a) Supervisor approval is granted, or
- (b) The deputy has received department-approved gang enforcement training and has been authorized by the Gang Supervisor to enforce this section.

If enforcement action is taken under this section, deputies must articulate the reasonable belief that the subjects ordered to disperse are gang members. A supervisor's approval is required for any arrest for failure to disperse.

Deputies may not order anyone to disperse under this section for engaging in constitutionally protected, collective advocacy activities (demonstrations), or merely because the deputy or a citizen claims offense from the speech or expression of the individuals involved or has personal animosity for the people involved. The deputy must articulate that the people were remaining in one place under circumstances that would cause a reasonable belief that the purpose or effect of the loitering was to enable or facilitate a criminal street gang to:

- Establish control over one or more identifiable areas.
- Intimidate others from entering those areas.
- Conceal illegal activities.

Shift Sergeants

444.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

444.2 DESIGNATION AS ACTING SHIFT SERGEANT

When a Sergeant is unavailable for duty as Shift Sergeant, in most instances the senior qualified corporal shall be designated as acting Shift Sergeant. This policy does not preclude designating a less senior corporal as an acting Shift Sergeant when operational needs require or training permits.

Mobile Audio Video

446.1 PURPOSE AND SCOPE

The Uintah County Sheriff's Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

446.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

446.2 POLICY

It is the policy of the Uintah County Sheriff's Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

446.3 DEPUTY RESPONSIBILITIES

Prior to going into service, each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically, additional recording media may be issued. Only Uintah County Sheriff's Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the deputy recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

Uintah County Sheriff's Department

Policy Manual

Mobile Audio Video

446.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record.

446.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. DUI investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which a deputy would normally notify Uintah Basin Consolidated Dispatch Center
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate

Uintah County Sheriff's Department

Policy Manual

Mobile Audio Video

446.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

446.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

446.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 - 1. The tracking number of the MAV system media.
 - 2. The date it was issued.
 - 3. The law enforcement operator or the vehicle to which it was issued.
 - 4. The date it was submitted.
 - 5. Law enforcement operators submitting the media.
 - 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of a deputy.

Uintah County Sheriff's Department

Policy Manual

Mobile Audio Video

446.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct or for quality assurance
- (c) By a supervisor to assess deputy performance
- (d) To assess proper functioning of MAV systems
- (e) By a department investigator, after approval of a supervisor, who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Sheriff or the authorized designee
- (i) By the media through proper process or with permission of the Sheriff or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the deputy's objection

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Sergeant. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

446.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

446.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

Uintah County Sheriff's Department

Policy Manual

Mobile Audio Video

446.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

446.7.2 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Uintah County Sheriff's Department should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

446.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system should not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating deputy's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Deputies using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system or shall be turned off when the MAV is activated.
- (g) Deputies shall not erase, alter, reuse, modify or tamper with MAV recordings unless properly trained and authorized to download the information on the device to a storage device at the Sheriff's Department. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

446.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.

Uintah County Sheriff's Department

Policy Manual

Mobile Audio Video

- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

446.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Mobile Data Terminal Use

448.1 PURPOSE AND SCOPE

The Mobile Data Terminal (MDT) accesses confidential records from the Utah Department of Public Safety and Utah Division of Motor Vehicles databases. Employees using the MDT shall comply with all appropriate federal and state rules and regulations.

448.2 MDT USE

The MDT shall be used for official sheriff's communications only. Messages that are of a sexual, racist or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDT use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDT, or MDT alone, as appropriate unless otherwise authorized by the Shift Sergeant.

448.2.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.2.2 DOCUMENTATION OF ACTIVITY

MDT's and voice transmissions are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the deputy shall record it on the MDT.

448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the sheriff's radio or through the MDT system.

Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDT.

Uintah County Sheriff's Department

Policy Manual

Mobile Data Terminal Use

448.2.4 EMERGENCY ACTIVATION ON MDT

If the emergency button is depressed on the MDT, the dispatcher will call the vehicle and ask if Code-4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the deputy answers in some other way, the dispatcher shall proceed as follows:

- (a) If the vehicle is not on a call, send available units to assist in locating the vehicle transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available vehicle Code-3.
- (b) Notify the field sergeant and Shift Sergeant of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

448.3 MDT CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDT

Whenever possible, deputies will not use units with malfunctioning MDTs. Whenever deputies must drive a vehicle in which the MDT is not working, they shall notify Uintah Basin Consolidated Dispatch Center. It shall be the responsibility of Uintah Basin Consolidated Dispatch Center to record all information that will then be transmitted verbally over the sheriff's radio.

448.3.2 BOMB CALLS

When investigating reports of possible bombs, deputies will turn off their MDTs. Operating the MDT may cause some devices to detonate.

Use of Audio Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see Mobile Audio Video Procedure Policy).

450.2 POLICY

The Uintah County Sheriff's Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner.

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.

When using a recorder, the assigned member shall record his/her name, employee 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.

450.5 ACTIVATION OF THE AUDIO RECORDER

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

Uintah County Sheriff's Department

Policy Manual

Use of Audio Recorders

450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Utah law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Utah Code 77-23a-4).

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the deputy reasonably believes that such a recording will be beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order or unless lawfully authorized by the Sheriff or the authorized designee.

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

450.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

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

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Uintah County Sheriff's Department

Policy Manual

Use of Audio Recorders

450.8 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

450.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

Foot Pursuit

458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objectives of apprehending the suspect with the risk of potential injury to the deputy, the suspect or the public.

458.2 POLICY

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

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

458.3 DECISION TO PURSUE

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

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion of the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk therefore no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

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

- (a) Containment of the area.
- (b) Canine search.
- (c) Saturation of the area with patrol personnel.
- (d) Air support.
- (e) Apprehension at another time when the identity of the suspect is known, or there is information available that would likely allow for later apprehension and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

Uintah County Sheriff's Department

Policy Manual

Foot Pursuit

458.4 GUIDELINES FOR FOOT PURSUIT

Unless the deputy reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public if the suspect is not immediately apprehended), deputies should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a responsible supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) When the deputy is acting alone.
- (c) When two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his/her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing deputies do not reasonably believe that they would be able to control the suspects should a confrontation occur.
- (f) When the physical condition of the deputies renders them incapable of controlling the suspect if apprehended.
- (g) When the deputy loses radio contact with Uintah Basin Consolidated Dispatch Center or with backup deputies.
- (h) The suspect enters a building, structure, confined space, wooded or otherwise isolated area and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the pursuit and coordinate containment, pending the arrival of sufficient deputies.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
- (k) The deputy loses possession of his/her firearm or other essential equipment.
- (l) The deputy or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel able to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.
- (o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness, or other conditions.

458.5 RESPONSIBILITIES IN FOOT PURSUITS

458.5.1 INITIATING DEPUTY RESPONSIBILITIES

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

Uintah County Sheriff's Department

Policy Manual

Foot Pursuit

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

- (a) Unit identifier.
- (b) Location and direction of travel.
- (c) Reason for the foot pursuit.
- (d) Number of suspects and description.
- (e) Whether the suspect is known or believed to be armed.

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

Absent extenuating circumstances any deputy unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify communications with his/her location, the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect) and direct further actions as reasonably appear necessary.

458.5.2 ASSISTING DEPUTY RESPONSIBILITIES

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

Any deputy who is in a position to intercept a fleeing suspect, or who can assist the primary deputy with the apprehension of the suspect, shall act reasonably and in accordance with all Department policies based upon available information and his/her own observations.

458.5.3 SUPERVISOR RESPONSIBILITY

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

The supervisor shall terminate the foot pursuit at any time he/she concludes that the danger to pursuing deputies or the public outweighs the objective of immediate apprehension of the suspect.

Upon the apprehension of the suspect the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

458.5.4 UINTAH BASIN CONSOLIDATED DISPATCH CENTER RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, communications personnel shall, as soon as practical, notify the field supervisor and provide available information. Communication personnel are also responsible for the following:

Uintah County Sheriff's Department

Policy Manual

Foot Pursuit

- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing deputy as needed.
- (c) Ensure that a field supervisor is notified of the pursuit.
- (d) Relay all pertinent information to responding personnel.
- (e) Contact additional resources as directed by a supervisor.
- (f) Coordinate response of additional resources to assist with the foot pursuit.

458.6 REPORTING

The initiating deputy shall complete appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

Automated License Plate Readers (ALPRs)

462.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Uintah County Sheriff's Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

462.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Administrative Services Division Commander. The Administrative Services Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

462.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business (Utah Code 41-6a-2003).
- (b) An ALPR may be used in conjunction with any routine patrol operation or official investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) If practicable, the deputy should verify an ALPR response through the Utah Department of Public Safety (DPS) law enforcement information system or other appropriate database before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may access the DPS database or other system unless otherwise authorized to do so.

462.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Uintah County Sheriff's Department and because such data may contain confidential information, it is not open to public review. ALPR information gathered and retained by this department

Uintah County Sheriff's Department

Policy Manual

Automated License Plate Readers (ALPRs)

may be used and shared with prosecutors or others only as permitted by law (Utah Code 41-6a-2004).

The Administrative Services Division Commander is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the minimum period established by department records retention guidelines and thereafter should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action. In no event shall data be maintained longer than nine months unless it is subject to a warrant, preservation request or disclosure order (Utah Code 41-6a-2004). Data that will not be purged should be downloaded from the server onto portable media and booked into evidence.

462.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Uintah County Sheriff's Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

Homeless Persons

464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Uintah County Sheriff's Department recognizes that members of the homeless community are often in need of special protection and services. The Uintah County Sheriff's Department will address these needs in balance with the overall missions of this department. Therefore, deputies will consider the following when serving the homeless community.

464.1.1 POLICY

It is the policy of the Uintah County Sheriff's Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 HOMELESS COMMUNITY LIAISON

The Sheriff will designate a member of this department to act as the Homeless Liaison Deputy. The responsibilities of the Homeless Liaison Deputy include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with Policy § 804 and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

464.3 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace deputies are encouraged to consider

Uintah County Sheriff's Department

Policy Manual

Homeless Persons

long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

464.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with Policy § 326.
- (f) Arrange for transportation for investigation related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

464.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Deputy. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Deputy.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Deputy if such property appears to involve a trespass, blight to the community or is the subject of a

Uintah County Sheriff's Department

Policy Manual

Homeless Persons

complaint. It will be the responsibility of the Homeless Liaison Deputy to address the matter in a timely fashion.

464.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention. (See Policy § 418).

When a mental illness hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

464.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Uintah County Sheriff's Department
Policy Manual

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/problem-based assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Uintah County Sheriff's Department. Information provided by the Utah Department of Public Safety's Highway Safety Office is a valuable resource for traffic accident occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of accident-causing violations during high-accident hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high-accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas, and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

Uintah County Sheriff's Department

Policy Manual

Traffic Function and Responsibility

500.3.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in Utah Code Title 41. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter.
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs.
- (c) Felony or misdemeanor hit-and-run.
- (d) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances.

500.4 SUSPENDED OR REVOKED DRIVER'S LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Utah Code 53-3-227.

500.5 HIGH-VISIBILITY VESTS

The Department has provided ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634.3).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in each patrol and investigation unit. Each vest should be stored to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

Uintah County Sheriff's Department

Policy Manual

Traffic Function and Responsibility

A supply of high-visibility vests may be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Officer should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 RESERVED

500.6.1 RESERVED

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Uintah County Sheriff's Department prepares traffic collision reports in compliance with Utah Code, Title 41, Chapter 6a, Part 4 and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY

Each Deputy will be responsible for the information in the Collision Investigation Manual and all updates.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of the Department shall be forwarded to the supervisor with-in 24 hours upon completion of the investigation.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. If possible another jurisdiction should be requested to take the report. Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor. The Deputy involved shall make notification of their supervisor as soon as possible.

502.4.2 TRAFFIC COLLISIONS WITH SHERIFF'S DEPARTMENT EMPLOYEES

When an employee of the Department, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the Uintah County Sheriff's Department resulting in a serious injury or fatality, the supervisor may request an outside law enforcement agency for assistance. Immediate notification of the Administration shall be completed by the supervisor.

The term serious injury is defined as any injury that may result in a fatality.

502.4.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Watch Commander or on-duty Shift Sergeant may request assistance from the Utah Highway Patrol for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with Utah Code 41-6a-402, traffic collision reports shall be taken for traffic collisions occurring on private property when the accident results in injury to, or death of any person, or total property damage to the apparent extent of \$1,500 or more. An incident report may be taken at the discretion of any supervisor.

Uintah County Sheriff's Department

Policy Manual

Traffic Collision Reporting

502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of the Department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision.
- (b) When there is an identifiable violation of Utah Code.
- (c) When a report is requested by any involved driver.

502.4.6 TRAFFIC COLLISIONS INVOLVING LIVESTOCK

A deputy investigating a collision shall indicate in the report whether the accident occurred on a highway designated as a livestock highway, in accordance with Utah Code 72-3-112, when the collision resulted in the injury or death of livestock (Utah Code 41-6a-404).

A deputy investigating such a collision shall make reasonable efforts as soon as practicable to (Utah Code 41-6a-408):

- (a) Locate and inform the owner of the livestock of the incident.
- (b) Make arrangements with the owner of the livestock to provide a copy of the collision report or advise the owner where a copy can be obtained.

502.4.7 TRAFFIC COLLISIONS INVOLVING SERIOUS INJURY OR DEATH

In compliance with Utah Code 41-6a-202, a deputy who issues a citation to a person for a moving traffic violation which results in a collision causing serious bodily injury or death shall note that fact on the citation.

502.5 NOTIFICATION OF SUPERVISION

In the event of a traffic collision that results in serious injury or death, the Shift Sergeant shall notify the administration to relate the circumstances of the traffic collision. The Shift Sergeant may contact another agency for assistance if needed.

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Uintah County Sheriff's Department.

510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

510.2.1 COMPLETION OF NOTICE OF IMPOUND

Department members requesting storage of a vehicle shall complete a Vehicle Impound Report Form, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records Division as soon as practical after the vehicle is stored.

Records personnel shall promptly enter pertinent data from the completed Vehicle Impound Report Form into the Motor Vehicle Division computer and return the form to the Shift Sergeant for approval.

Approved Vehicle Impound Reports shall be promptly placed into the auto-file so that they are immediately available for release or for information should inquiries be made.

Immediately after removal of the vehicle, the Department shall forward a Vehicle Impound Report Form, containing all required information, to the Motor Vehicle Division (Utah Code 41-6a-1406(4)).

510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy should provide the driver the opportunity to select a towing company and relay the request to the dispatcher. If the driver has no preference as to which towing company to use, a towing company will be selected from the rotational list maintained in Uintah Basin Consolidated Dispatch Center.

A deputy may, without the consent of the owner, remove a vehicle that has been involved in an accident (or remove property from within the vehicle) if the vehicle is blocking a roadway or is otherwise endangering public safety (Utah Code § 41-6a-401.9). If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the deputy should summon an approved towing and storage provider, complete the Notice of Impound Form and store the vehicle.

510.2.3 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

Uintah County Sheriff's Department

Policy Manual

Vehicle Towing and Release

510.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.3 TOWING SERVICES

The County of Uintah County periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Department to tow a vehicle.

510.4 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored whenever it is needed for the furtherance of an investigation or prosecution of the case or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored, for example, the vehicle would present a traffic hazard if not removed or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

510.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the Vehicle Impound Report Form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures

Uintah County Sheriff's Department

Policy Manual

Vehicle Towing and Release

are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Department against fraudulent claims of lost, stolen or damaged property. If possible digital photographs should be taken of the vehicle to document damage, content and condition of the vehicle. The photographs shall be attached to the report and shall not be used in lieu of a physical inventory.

510.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Uintah County Sheriff's Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Utah's impaired driving laws.

514.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

514.4 FIELD TESTS

The Watch Commander should identify the primary field sobriety tests (FSTs) and any approved alternate tests for deputies to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (Utah Code 41-6a-520):

- (a) The deputy has reasonable grounds to believe that the person was operating or in actual physical control of a motor vehicle while:
 1. Having a prohibited blood or breath alcohol content level as defined by Utah Code 41-6a-502 (DUI), Utah Code 41-6a-530 (Alcohol Restricted Drivers) or Utah Code 53-3-232 (Conditional License holders).
 2. Under the influence of alcohol, any drug or combination of alcohol and any drug.
 3. Having any measurable controlled substance or metabolite of a controlled substance in the person's body.
- (b) The deputy has stopped a person under the age of 21 and has reasonable grounds to believe that the person was operating or in actual physical control of a vehicle or motorboat with a measurable blood, breath or urine alcohol concentration in the person's body (Utah Code 53-3-231).
- (c) The person is dead, unconscious or in any other condition rendering the person incapable of refusal (Utah Code 41-6a-522).

514.5.1 BREATH TEST

The Watch Commander should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the intoxilyzer technician.

Uintah County Sheriff's Department

Policy Manual

Impaired Driving

514.5.2 BLOOD TEST

Only persons authorized by law to withdraw blood shall collect blood samples (Utah Code 41-6a-523). The withdrawal of the blood sample should be witnessed by the assigned deputy. A deputy, not involved in the arrest and properly certified, may conduct the blood withdrawal.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

514.5.3 URINE TEST

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen.

The collection kit shall be marked with the person's name, offense, Uintah County Sheriff's Department case number and the name of the witnessing deputy. The collection kit should be refrigerated pending transportation for testing.

514.6 REFUSALS

When a person refuses to provide a chemical sample, deputies should:

- (a) Advise the person of the requirement to provide a sample (Utah Code 41-6a-520).
- (b) Audio-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

514.6.1 STATUTORY NOTIFICATIONS

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of the Driver License Division's (DLD) intention to revoke upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Utah Code 41-6a-520).

514.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when a search warrant has been obtained.

514.6.3 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

Uintah County Sheriff's Department

Policy Manual

Impaired Driving

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the withdrawal is taken in a medically approved manner.
- (e) Supervise any use of force and ensure the forced withdrawal is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances.
 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
- (g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 ARREST AUTHORITY

A deputy may make a warrantless arrest of a person that the deputy has probable cause to believe has violated the DUI laws of this state, whether or not the offense occurred in the deputy's presence (Utah Code 41-6a-508).

514.7.2 STATUTORY WARNING

A deputy requesting that a person submit to a chemical test shall provide the person with a mandatory warning pursuant to Utah Code 41-6a-520.

514.7.3 DEPUTY RESPONSIBILITIES

A deputy serving a person with a notice of the DLD intention to revoke the person's driving privilege or license shall also (Utah Code 41-6a-520):

- (a) Issue the person a temporary license certificate.
- (b) Provide the person with basic information regarding how to obtain a hearing before DLD.
- (c) Forward a report to DLD within 10 days of giving the notice to the person that the deputy had reasonable grounds to believe the arrested person was DUI and that the person refused to submit to a chemical test as required by law.

Uintah County Sheriff's Department

Policy Manual

Impaired Driving

514.7.4 VEHICLE IMPOUNDMENT

A deputy who arrests a person for DUI shall seize and impound the vehicle the person was driving at the time of the arrest. If operable, the vehicle may be released upon request to the registered owner of the vehicle if the person is present at the time of arrest, is able to present proof of ownership, has a valid driver's license and that the person would not be in violation of the laws of this state if permitted to operate the vehicle (Utah Code 41-6a-527).

514.7.5 SELECTION OF CHEMICAL TEST

The investigating deputy shall determine which chemical test or tests to administer to a person and how many tests will be administered. In the event that a deputy requests that the person submit to more than one test, refusal by the person to take one or more of the requested tests, even if the person has already submitted to one test, is nonetheless considered a refusal under state DUI laws (Utah Code 41-6a-520).

514.7.6 ADDITIONAL TESTING

A person may have qualified medical personnel administer an additional test, at the person's own expense. The additional test shall be administered subsequently to that which is administered at the direction of the deputy (Utah Code 41-6a-520).

514.8 REPORTING

The Watch Commander shall ensure that the Department complies with all reporting requirements pursuant to Utah Code 53-10-206.

514.9 RECORDS DIVISION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.10 ADMINISTRATIVE HEARINGS

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DLD.

Any deputies who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Deputies called to testify at an administrative hearing should document the hearing date and DLD file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Division should forward this to the prosecuting attorney as part of the case file.

514.11 TRAINING

The Training Officer should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Officer should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Department Administration shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council. Electronic Citations shall be issued by the officers whenever possible.

The Records Division shall be responsible for the supply and accounting of all traffic citations issued to employees of the Department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of the Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Utah Code 77-7-26). Any request from a recipient to dismiss a citation shall be referred to the Uintah County Attorney's Office.

Should a deputy determine that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the Uintah County Attorney's Office to dismiss the citation. The request shall be in writing and processed through the administration.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded the Uintah County Attorney's Office and the Court with jurisdiction.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The file copies of all traffic citations issued by members of the department shall be forwarded to the employee's immediate supervisor for review. The Court copy shall be filed with the records division with 24 hours of issuance. The Records Division shall ensure the Court's copy is forwarded to the proper court within 24 hours of receipt of the citation. Electronic Citations shall not require the court copy to be filed, however a copy of the citation shall be forwarded to the records division with-in 24 hours of being issued.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records Bureau.

Uintah County Sheriff's Department

Policy Manual

Traffic Citations

516.7 RESERVED

516.7.1 RESERVED

516.7.2 RESERVED

516.7.3 RESERVED

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation. Should a citation be issued, the parents or guardian names shall appear on the citation as well as a current address and phone number for them.

Disabled Vehicles

520.1 PURPOSE AND SCOPE

All law enforcement agencies having responsibility for traffic enforcement should develop and adopt a written policy to provide assistance to motorists in disabled vehicles within the Department's primary jurisdiction.

520.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher may then assign another deputy to respond for assistance as soon as practical.

A deputy may remove a vehicle that has been involved in a collision (or property from within the vehicle) without the consent of the owner if it is blocking a roadway or is otherwise endangering public safety (Utah Code 41-6a-401.9).

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.4 PUBLIC ACCESS TO THIS POLICY

This policy is available upon request.

Abandoned Vehicles

524.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of abandoned vehicles that are left unattended on a highway for a period in excess of 48 hours or on public or private property for a period in excess of seven days under the authority of Utah Code 41-6a-1408.

524.2 REMOVAL OF VEHICLES

Vehicles in violation of Utah Code 41-6a-1408 and by order of a deputy of the Department shall be removed, at the owner's expense, by a tow truck motor carrier that meets the standards as described in Utah Code 72-9, The Motor Carrier Safety Act.

524.2.1 RECORDING OF VEHICLES IMPOUNDED

Immediately after the removal of the vehicle, a Vehicle Impound Report Form shall be completed and sent to the Motor Vehicle Division. A copy of this form shall also be forwarded to the Records Division. In accordance with Utah Code 41-6a-1406, the form shall include:

- The operator's name, if known.
- A description of the vehicle.
- The vehicle identification number.
- The license number, or other identification number issued by a state agency.
- The date, time, and place of impoundment.
- The reason for removal or impoundment.
- The name of the tow truck motor carrier who removed the vehicle.
- The location where the vehicle is stored.

524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored at a state impound yard or, if none, a garage, a docking area, or any other place of safety by the authorized tow truck motor carrier and a Vehicle Impound Report Form shall be completed by the deputy authorizing the storage of the vehicle and the tow truck motor carrier (Utah Code 41-6a-1406).

Uintah County Sheriff's Department
Policy Manual

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the County Attorney, County Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed without the authorization of the case officer and/or department administration.

600.3 CUSTODIAL INTERROGATION

600.3.1 DEFINITIONS

Custodial interrogation - Express questioning or its functional equivalent that is conducted by a law enforcement officer from the time the suspect is, or should be, informed of his/her *Miranda* rights, until the time that the questioning ends. It does not include questions asked by law enforcement personnel, and the suspect's responsive statements, which are part of the routine booking process.

Electronic recording - An analog or digital recording that includes the audio representations of any interrogator and the individual involved in a custodial interrogation. A videotape, analog or digital recording that includes both audio and visual representations of any interrogator and individual in a custodial interrogation is also an electronic recording. Deputies are encouraged, if video recording, to position the camera to capture facial images of the individual being interrogated.

Fixed place of detention - A jail, police or sheriff's station, holding cell, or a correctional or detention facility.

600.3.2 CUSTODIAL INTERROGATION REQUIREMENTS

- (a) Subject to the exceptions listed in subsection (d) below, any custodial interrogation of a person who is in a fixed place of detention and who, at the time of the interrogation, is suspected of having committed any violent felony offense, as defined in Utah Code 76-3-203.5(1)(c)(i), should be electronically recorded in its entirety.
- (b) Where the site of the interrogation is not a fixed place of detention, deputies are nonetheless encouraged, where practicable, to electronically record the custodial interrogation of a person suspected of committing any violent felony offense
- (c) All electronically recorded custodial interrogations should not be destroyed or altered until a conviction for any offense relating to the interrogation is final and all direct and collateral appeals are exhausted or the prosecution for that offense is barred by law. The interrogating entity may make true, accurate, and complete copies of the electronic recording, whether in the same or a different format.
- (d) The guidelines for electronic recordings of a custodial interrogations are not applicable if:

Uintah County Sheriff's Department

Policy Manual

Investigation and Prosecution

1. The suspect refuses to speak if the interrogation is electronically recorded. Any such refusal should be documented either by electronic recording demonstrating such refusal, or through a written statement signed by the suspect.
 2. Despite the reasonable good faith efforts of the deputy to obtain or provide recording equipment, recording equipment is not reasonably available during the period of time that the suspect is lawfully detained.
 3. The recording equipment malfunctions and replacement equipment is not reasonably available.
 4. Despite the reasonable good faith efforts of the deputy to record the interrogation, the recording equipment, without the deputy's knowledge, malfunctions or stops operating.
 5. The deputy conducting the custodial interrogation reasonably believes that the crime of which the person is suspected of committing is not a violent felony offense.
 6. Exigent circumstances render electronic recording impossible or impracticable.
- (e) Deputies should continue to prepare written summaries of custodial questioning and continue to obtain written statements from suspects.

Sexual Assault Victims' Rights

602.1 PURPOSE AND SCOPE

This policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding HIV testing, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense may keep the identity of the victim and the report confidential if any of the following circumstances are present:

- (a) The report would reveal the victim's medical history, diagnosis, condition, treatment, evaluation or similar medical data (Utah Code 63G-2-302(1)(b)).
 - 1. Medical records may also include statements relative to medical history, diagnosis, condition, treatment, and evaluation (Utah Code 63G-2-302(3)(a)).
- (b) The disclosure of the report would jeopardize the life or safety of an individual (Utah Code 63G-2-305(10)).
- (c) The disclosure of the report could be expected to interfere with the investigation (Utah Code 63G-2-305(9)(a)).

602.2.2 DEPUTY RESPONSIBILITY

Whenever there is an alleged violation of sexual assault as defined in Utah Code, Title 76 Chapter 5 Part 4, the assigned deputy should accomplish the following:

- (a) Inform the victim of their right to request a test for the HIV infection.
- (b) Inform the victim of The Crime Victim Reparations Fund.
- (c) Inform the victim of available counseling and support services provided by the Department of Health.

Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Uintah County Sheriff's Department seizes property for forfeiture or when the Uintah County Sheriff's Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Sheriff, who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Property that has been used to facilitate the commission of a federal or state offense and any proceeds of criminal activity, including both of the following (Utah Code 24-4-102):

- (a) Real property, including things growing on, affixed to and found in land
- (b) Tangible and intangible personal property, including money, rights, privileges, interests, claims and securities of any kind

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Uintah County Sheriff's Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Uintah County Sheriff's Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

- (a) Property that may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer includes (Utah Code 24-2-102):

Uintah County Sheriff's Department

Policy Manual

Asset Forfeiture

1. Property subject to forfeiture that has been identified in a court order or is the subject of a prior judgment.
 2. Property subject to forfeiture that is seized incident to an arrest or upon the authority of a search or administrative warrant.
- (b) Property subject to forfeiture can be lawfully seized without a court order when:
1. There is probable cause to believe it is directly or indirectly dangerous to health or safety.
 2. It is evidence of a crime.
 3. It has been used or was intended to be used to commit a crime.
 4. It constitutes the proceeds of a crime.

Whenever practicable, obtaining a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

Property that should not be seized for forfeiture includes:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture guidelines.
- (b) Property that the deputy reasonably believes may belong to an innocent owner (Utah Code 24-4-107).
- (c) A motor vehicle used in a violation of driving under the influence of alcohol and/or drugs (Utah Code 41-6a-502); driving with any measurable controlled substance in the body (Utah Code 41-6a-517); driving while having a controlled substance in the body and causing serious injury (Utah Code 58-37-8(2)(g)); automobile homicide (Utah Code 76-5-207); or a local DUI ordinance, may not be forfeited unless any of the following apply:
 1. The operator of the vehicle has previously been convicted of a violation, committed after May 12, 2009, of offenses specified in Utah Code 24-4-102.
 2. The operator of the vehicle was driving on a denied, suspended, revoked or disqualified license and the denial, suspension, revocation or disqualification was imposed based upon violations specified in Utah Code 24-4-102.
- (d) Property used to facilitate specific crimes related to pornography or material harmful to children (Utah Code 76-10-1204; Utah Code 76-10-1205; Utah Code 76-10-1206; Utah Code 76-10-1222) if the seizure would constitute a prior restraint or interference with a person's rights under the First Amendment to the U.S. Constitution or the Utah Constitution (Utah Code 24-4-102).

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following (Utah Code 24-2-103):

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized.

Uintah County Sheriff's Department

Policy Manual

Asset Forfeiture

When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.

- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, Seized Subject to Forfeiture. Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAINING SEIZED PROPERTY

The Evidence Room Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used by the Department unless the forfeiture action has been completed.
- (e) Associated documentation complies with Utah Code 24-2-103.

606.6 FORFEITURE REVIEWER

The Sheriff will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly the Forfeiture and Disposition of Property Act (Utah Code 24-1-101 et seq.) and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws (Utah Code 24-4-114). The forfeiture reviewer should contact federal authorities when appropriate.

Uintah County Sheriff's Department

Policy Manual

Asset Forfeiture

- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
 - 5. Any other information that may be needed to comply with Utah Code 24-2-103.
- (g) Ensuring that those who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner (Utah Code 24-4-103).
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (see Utah Code 24-4-103; Utah Code 24-4-104).
 - 4. Property is promptly released to those entitled to its return.
 - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 - 6. Any cash received is deposited with the fiscal agent.
 - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 - 8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
 - 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
 - 10. A written plan should be available that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - 11. A copy of the property receipt is kept in the case file and, if the property is transferred to another agency, a copy of the receipt is provided along with the property (Utah Code 24-2-103).

Uintah County Sheriff's Department

Policy Manual

Asset Forfeiture

12. Any records of a related interview of a child are retained pursuant to Utah Code 24-2-103.
 13. The request a forfeiture action be commenced by the forfeiture attorney as provided in Utah Code 24-4-103.
- (i) Ensuring that the Department disposes of property as provided by law following any forfeiture.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives. The Utah Code 24-4-114 should be referenced for reporting federal seizures to the Utah Commission on Criminal and Juvenile Justice.

606.7 DISPOSITION OF FORFEITED PROPERTY

No property seized shall be transferred, sold or auctioned to an employee of this department (Utah Code 24-2-103).

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Any property, money or other items of value received by this department pursuant to a federal forfeiture shall be used in compliance with federal laws and regulations relating to equitable sharing (Utah Code 24-4-114). Such property may be used to fund crime prevention and law enforcement activities described in Utah Code 24-4-117(9). State law prohibits the use of property or money received to be used for such things as salaries, benefits, any expenses not related to law enforcement and other purposes specified in Utah Code 24-4-117(10).

Money received as a result of a federal forfeiture may only be used as approved by the County council (Utah Code 24-4-114).

606.8 LIMITATION ON FEES FOR HOLDING SEIZED PROPERTY

The Department will not charge a person contesting a forfeiture any fee or cost for holding seized property as the result of any civil or criminal forfeiture in which a judgment is entered in favor of the person, or where a forfeiture proceeding is voluntarily dismissed by the prosecuting attorney (Utah Code 24-4-112).

Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Uintah County Sheriff's Department and the deputies using informants, it shall be the policy of the Department to take appropriate precautions by developing sound informant policies.

608.2 INFORMANT FILE SYSTEM

The Investigation Division Supervisor or designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Informant's name and/or aliases.
- (b) Date of birth.
- (c) Physical description: height, weight, hair color, eye color, race, gender, scars, tattoos or other distinguishing features.
- (d) Current home address and telephone numbers.
- (e) Current employer(s), position, address(es) and telephone numbers.
- (f) Vehicles owned and registration information.
- (g) Places frequented.
- (h) Informant's photograph.
- (i) Briefs of information provided by the informant and his/her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".
- (j) Name of deputy initiating use of the informant.
- (k) Signed informant agreement.
- (l) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Investigation Division. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Sheriff, a Division Commander, the Investigation Division Supervisor, or their designees.

608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, a deputy must receive approval from the Investigation Division Supervisor. The deputy shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

Uintah County Sheriff's Department

Policy Manual

Confidential Informants

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. The use of juvenile informants between the age of 13 and 18 years is only authorized by court order.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of the Department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party, and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the Department Informant Agreement. The deputy using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Uintah County Sheriff's Department shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the Uintah County Sheriff's Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain deputy/informant integrity, the following must be adhered to:

- (a) Deputies shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential.
- (c) Criminal activity by informants shall not be condoned.
- (d) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Uintah County Sheriff's Department, and that they shall not represent themselves as such.
- (e) The relationship between deputies and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Investigation Division Supervisor.
- (g) Deputies shall not meet with informants of the opposite gender in a private place unless accompanied by at least one additional deputy or with prior approval of the Investigation Division Supervisor. Deputies may meet informants of the opposite gender alone in an occupied public place such as a restaurant. When contacting informants of either gender for the purpose of making payments, deputies shall arrange for the presence of another deputy, whenever possible.
- (h) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

Uintah County Sheriff's Department

Policy Manual

Confidential Informants

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.5.1 PAYMENT PROCEDURE

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

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Investigation Division Supervisor will discuss the above factors with the Uniformed Field Services Division Commander and arrive at a recommended level of payment that will be subject to the approval of the Sheriff.

608.5.2 CASH DISBURSEMENT

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized, not to exceed a maximum of \$150,000.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether assets are also seized, not to exceed a maximum of \$30,000.

608.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Sheriff and the County Commission's signatures are required for disbursements over \$500. Payments \$500 and under may be paid in cash out of the Investigation Division Buy/Expense Fund. The Investigation Division Supervisor will be required to sign the voucher for amounts under \$500.

To complete the transaction with the confidential informant, the case agent shall have the confidential informant initial the Cash Transfer Form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Uintah County Sheriff's Department case number shall be recorded on the Cash Transfer Form. The form will be kept in the confidential informant's file.

If the payment amount exceeds \$500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Uintah County Sheriff's Department

Policy Manual

Confidential Informants

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

608.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed 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 confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential 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 confidential informant's file.

Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Deputies should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating deputy should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION FORM

The Investigative supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.

Uintah County Sheriff's Department

Policy Manual

Eyewitness Identification

- (e) An admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.
- (f) An admonishment to the witness that the investigation will continue regardless of whether identification is made by the witness.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Deputies are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Deputies should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

610.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification

Uintah County Sheriff's Department

Policy Manual

Eyewitness Identification

should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the deputy should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, deputies should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
- (e) A person should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
- (g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies an individual as the perpetrator, deputies should not conduct any further field identifications with other witnesses for that suspect. In such instances deputies should document the contact information for any additional witnesses for follow up, if necessary.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

***Brady* Material Disclosure**

612.1 PURPOSE AND SCOPE

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

612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Uintah County Sheriff's Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Uintah County Sheriff's Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Uintah County Sheriff's Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

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

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

612.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Sheriff shall examine the personnel file and/or internal affairs file of the deputy to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

Uintah County Sheriff's Department

Policy Manual

Brady Material Disclosure

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court (Utah Code 63G-2-202(7)).
 - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Sheriff should periodically examine the personnel files and/or internal affairs files of all deputies who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

612.5 INVESTIGATING BRADY ISSUES

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

612.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Pawn Shop Holds

614.1 PURPOSE AND SCOPE

Property with evidentiary value is often found at pawn shops and secondhand businesses. Utah law allows the Uintah County Sheriff's Department to seize or place a hold on such property. This policy provides guidance on placing such holds.

614.2 POLICY

The Uintah County Sheriff's Department will place a hold on an item that has evidentiary value and is in the possession of a pawn or secondhand business only as allowed by Utah law and when the item is necessary to an open investigation.

614.3 PROCEDURE

A member of the Department may require a pawnbroker or secondhand business to place a 90-day hold on an item in the possession of the pawnbroker or secondhand business if the item is necessary to an open investigation. The hold may be extended for an additional 90 days if warranted by exigent circumstances. Subsequent extensions must be approved by a court order. A deputy may seize the item only as permitted by law (Utah Code 13-32a-109(4); Utah Code 13-32a-109(5)):

- (a) When seizure is necessary to permit the fingerprinting or chemical testing of the item.
- (b) For use as an exhibit at trial, as authorized by the prosecutor.
- (c) If the item contains unique or sensitive personal identifying information.

A written hold notice shall be provided and shall include:

- An active case number.
- The date of the hold request and the article to be held.
- Notice to the pawnbroker or secondhand business of contact information to allow tracking of the article when the prosecuting agency takes over the case.

If the pawnbroker or secondhand business is located outside of the jurisdiction of this department, a copy of the notice shall be sent to the local law enforcement agency having jurisdiction. An extension of the hold must be communicated in writing to the pawnbroker or secondhand business prior to the expiration of the initial 90-day hold (Utah Code 13-32a-109).

Whenever the deputy has reason to believe that property subject to a hold is in the possession of a pawnbroker or secondhand business, the deputy should notify the person who reported the property as lost or stolen, as well as any agency taking a report, of all of the following:

- The name, address and telephone number of the pawnbroker or secondhand business that reported the acquisition of the property or where the property is located.
- The length of any holding period.

Uintah County Sheriff's Department

Policy Manual

Pawn Shop Holds

614.4 TERMINATION OF HOLD

The evidence supervisor should maintain a file copy of all hold notices and should review the file at least every 30 days for pending expirations. When the need for the hold or seizure of an item is terminated, the Department shall, within 15 days after the termination:

- (a) Notify the pawnbroker or secondhand business in writing that the hold or seizure has been terminated.
- (b) Return the item to the pawnbroker or secondhand business, or advise the pawnbroker or secondhand business, either in writing or electronically, of the specific alternative disposition of the item (Utah Code 13-32a-109(7)).

If this Department receives a registered or certified letter from the pawnbroker or secondhand business informing the Department that the holding period has expired, the Department shall respond within 30 days in the manner prescribed by law (Utah Code 13-32a-109(8)).

Uintah County Sheriff's Department
Policy Manual

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command any loss, damage to or unserviceable condition of any Department-issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the Undersheriff, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by Staff and a finding that no misconduct or negligence was involved, repair or replacement may be approved by the Sheriff who will then authorize the claim.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment) that are not reasonably required as a part of work.

Uintah County Sheriff's Department

Policy Manual

Department-Owned and Personal Property

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Uintah County Sheriff's Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Sheriff. All such searches shall be fully documented in a written report.

Uintah County Sheriff's Department

Policy Manual

Personal Communication Devices

702.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.
- (d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Sheriff or the authorized designee.
- (g) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers of the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

Uintah County Sheriff's Department

Policy Manual

Personal Communication Devices

702.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Deputies are prohibited from taking pictures, video or making audio recording or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.
- (f) Employees will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable until the employee is on-duty as such contact may be compensable.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Utah Code 41-6a-1716). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that

Uintah County Sheriff's Department

Policy Manual

Personal Communication Devices

sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper notification shall be promptly made to a supervisor, by the employee who first becomes aware of the defective condition, describing the correction needed. The vehicle will be repaired as soon as possible.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the minimum equipment, as listed below, is present in the vehicle:

- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit complete
- 1 Blanket
- 1 Blood-borne pathogen kit, including protective gloves
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Camera
- any additional equipment as required by job assignment.

704.3.2 UNMARKED VEHICLES

An employee driving unmarked Department vehicles shall ensure that the minimum equipment, as listed below, is present in the vehicle:

- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, including protective gloves
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit

Uintah County Sheriff's Department

Policy Manual

Vehicle Maintenance

- 1 Camera
- Additional equipment as needed for the assigned job.

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Vehicles shall only be refueled at the authorized location.

Vehicles are required to have one-half tank of fuel when going off duty, if possible.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times, and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Uintah County inmates shall be utilized to wash vehicles when possible. Correctional Staff shall be contacted to obtain approval of the inmates to wash Uintah County vehicles in the "Sally Port" of the jail.

Employees assigned or using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the out of service placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

706.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure County-owned vehicles are used appropriately. For the purposes of this policy, County-owned includes any vehicle owned, leased or rented by the County.

706.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

706.3 USE OF VEHICLES

County-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a County-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDT and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

706.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

706.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a County-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Shift Sergeant of the reason for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

706.3.3 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

Uintah County Sheriff's Department

Policy Manual

Vehicle Use

706.3.4 INVESTIGATIVE DIVISION VEHICLES

Investigative Division vehicle use is restricted to investigative personnel during their assigned work hours unless approved by an Investigative Division supervisor. Investigative Division members shall record vehicle usage via the sign-out log maintained in the Division. After-hours use of Investigative Division vehicles by members not assigned to the Investigative Division shall be recorded with the Shift Sergeant on the shift roster.

706.3.5 AUTHORIZED PASSENGERS

Members operating County-owned vehicles shall not permit persons other than County members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

706.3.6 PARKING

Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

County-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to a County-owned vehicle or in any other areas of the parking lot that are not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.7 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting deputy shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

706.3.8 PRIVACY

All County-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 ASSIGNED VEHICLE AGREEMENT

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Division Commander and shall sign an agreement that includes the following criteria:

- (a) The member must live within a 30-minute commute of his/her regularly assigned work location (based on average traffic flow). A longer response time may be permitted subject to Division Commander approval. Members who reside outside the permissible response time may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Division Commander.
- (b) Except as may be provided by a collective bargaining agreement time spent during normal commuting is not compensable.

Uintah County Sheriff's Department

Policy Manual

Vehicle Use

- (c) County-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.
- (d) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.
- (e) The vehicle shall be parked in secure off-street parking when parked at the member's residence.
- (f) Vehicles shall be locked when not attended.
- (g) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home).
- (h) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate department facility.
- (i) All department identification, portable radios and equipment should be secured.

Members are cautioned that under federal and local tax rules, personal use of a County-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

706.5 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Deputies shall not duplicate keys.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

706.6 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Uintah County Sheriff's Department, a deputy should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Deputies may render public assistance (e.g. to a stranded motorist) when deemed prudent.

Deputies shall, at all times while driving a marked County-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

Uintah County Sheriff's Department

Policy Manual

Vehicle Use

706.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.7.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

706.8 VEHICLE DAMAGE, ABUSE AND MISUSE

When a County-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also the Traffic Collision Reporting Policy).

When a collision involves a County vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the County's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

706.9 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating a County-owned vehicle upon the toll road shall adhere to the following:

- (a) All members operating a County-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.
- (b) All members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days, explaining the circumstances.

Uintah County Sheriff's Department
Policy Manual

Chapter 8 - Support Services

Property Procedures

804.1 PURPOSE AND SCOPE

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

804.2 DEFINITIONS

Definitions related to this policy include:

Cohabitant - A person who is 21 years of age or older, who resides in the same residence as another cohabitant (Utah Code 53-5c-102).

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

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

Owner cohabitant - A cohabitant who 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:

- Property obtained by the Department for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly 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).

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property should observe the following guidelines:

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

Uintah County Sheriff's Department

Policy Manual

Property Procedures

- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original Property Form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the Supervisor's office. Submit the completed property record into a numbered locker indicating the location of the property. The evidence custodian will obtain the property and take custody of the property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately attaching a separate copy of the property report. Paraphernalia as defined by Utah Code 58-37a-3 shall also be booked separately from the drugs with a separate copy of the property report attached.

The deputy seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Division and Detectives. The remaining copy will be detached and submitted with the case report.

804.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Sergeant. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property and evidence technician is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime should be released directly to the property and evidence technician or placed in the designated container for return to the Utah Division of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property report. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property and evidence technician or placed in the bicycle storage area until a property and evidence technician can log it in.

Uintah County Sheriff's Department

Policy Manual

Property Procedures

- (d) All cash shall be counted in the presence of another deputy and the envelope initialed by the booking deputy and the witnessing Deputy. The Shift Sergeant shall be contacted for cash in excess of \$1,000 for special handling procedures.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required however a report describing the property and who it is released to shall be completed. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.5 FIREARMS SAFE HARBOR ACT

Deputies shall accept a firearm for safekeeping from any owner cohabitant who requests it, and who believes that another cohabitant is an immediate threat to him/herself, to the owner cohabitant or any other person (Utah Code 53-5c-201).

The deputy receiving the firearm shall:

- (a) Record the owner cohabitant's name, address and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for safekeeping.
- (d) Obtain a signed declaration that the owner cohabitant has an ownership interest in the firearm.

The person committing the firearm shall not be asked or required to provide the name of, or any other information about, the cohabitant who poses the threat.

The property and evidence technician shall hold a firearm accepted pursuant to this policy for an initial period of 60 days, renewable for an additional 60 days upon request of the owner cohabitant. At the expiration of this time or upon request by the owner cohabitant, the firearm shall be returned to the owner cohabitant or other person authorized by law. If the person who committed the firearm for safekeeping cannot be located, the Department may, after one year, appropriate for public use, sell or destroy the firearm as provided in the Utah Firearms Safe Harbor Act (Utah Code 53-5c-202).

If a firearm received under the Act is determined to be illegal to possess or to own, the property and evidence technician shall confiscate and book the firearm according to current procedures, and notify the person who requested that the firearm be taken for safekeeping of its confiscation (Utah Code 53-5c-202).

The property and evidence technician shall destroy any record created exclusively to document the safekeeping of the firearm within five days of releasing the firearm to the owner cohabitant or other authorized person, or of otherwise disposing of the firearm under the Utah Firearms Safe Harbor Act (Utah Code 53-5c-202).

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).
- (c) Property with more than one known owner.
- (d) Paraphernalia as described in Utah Code 58-37a-3.
- (e) Fireworks.

Uintah County Sheriff's Department

Policy Manual

Property Procedures

(f) Contraband.

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.4.2 PACKAGING NARCOTICS

The deputy seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged and placed in the designated narcotics locker, accompanied by two copies of the property report. Prior to packaging, and if the quantity allows, a presumptive test may be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be packaged in an appropriate size packaging material in the evidence preparation area. The booking deputy shall initial the sealed container. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property sheet shall be attached to the outside of the container. The chain of evidence shall be recorded on the form.

804.5 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Uintah County Sheriff's Department shall be noted for the evidence.

804.6 PROPERTY CONTROL

Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information on the property control card. Deputies desiring property for court shall contact the property and evidence technician at least one day prior to the court date.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence sheet shall be completed to maintain the chain of possession. No property or evidence is to be released without first completing the required paperwork and authorization for release from the proper authority.

Request for analysis of items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out any time after booking of the property or evidence.

Uintah County Sheriff's Department

Policy Manual

Property Procedures

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The property and evidence technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. U.S. Mail or other courier may be used, however a delivery notification shall be required to be returned to the evidence technician.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property custody sheet, stating the date, time, to whom released.

The property and evidence technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property custody sheet, indicating date, time and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigation Division or the evidence custodian shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the Property Form or must specify the specific item(s) to be released. Release of all property shall be documented on the Property Form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. If the owner of any unclaimed property cannot be determined or notified, or if the owner has been notified and fails to appear and claim the property, the agency shall (Utah Code 77-24a-5):

- (a) Publish at least one notice (giving a general description of the property and the date of intended disposition) of the intent to dispose of the unclaimed property in a newspaper of general circulation within the county.
- (b) Post a similar notice in a public place designated for notice within the law enforcement agency.

The final disposition of all such property shall be fully documented in related reports.

Uintah County Sheriff's Department

Policy Manual

Property Procedures

A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release form has been received. A signature of the person receiving the property shall be recorded on the original Property Form. After release of all property entered on the property control sheet, the sheet shall be forwarded to the Records Division for filing with the case. If some items of property have not been released, the property sheet will remain with the Evidence Room. Upon release, the proper entry shall be documented in the Property Log Form.

804.6.6 DISPUTED CLAIMS TO PROPERTY

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

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

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigation Division will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of the Department, including paraphernalia as described in Utah Code 58-37a-3.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of an authorized release form for disposal. The property and evidence technician shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective.

804.7.1 EXCEPTIONAL DISPOSITIONS

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

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

804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after nine days of being posted, as described in § 804.6.5, the Department shall notify the person

Uintah County Sheriff's Department

Policy Manual

Property Procedures

who turned the money over to the local law enforcement agency. Any person employed by a law enforcement agency who finds or seizes money may not claim or receive the money (Utah Code 77-24a-5(2)(a)).

804.7.3 PRESERVATION OF BIOLOGICAL EVIDENCE

The Evidence Room Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Investigation Division Supervisor

Biological evidence shall be retained for a minimum of 12 months. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed within 12 months unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division Supervisor.

Biological evidence related to a homicide and sexual felony crimes punishable by minimum mandatory penalties shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
- (c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Sheriff) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property shall be made by an individual(s) not associated with the property room or its functions to ensure that records are correct and all evidence and property is accounted for.

804.9 ADMITTANCE TO EVIDENCE ROOM

Admittance to the Evidence Room should be restricted to the evidence custodian(s), the evidence supervisor, and others specifically designated by the Sheriff. All other individuals entering the Evidence Room require escort and an Evidence Room access log entry shall be made indicating:

- (a) Date and time of entry and exit.
- (b) Name of individual(s) entering the Evidence Room.
- (c) Reason for entry.

Uintah County Sheriff's Department

Policy Manual

Property Procedures

(d) Name of the escort.

Records Division Procedures

806.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain the Records Division Policy Manual on a current basis to reflect the procedures being followed within the Evidence Room. Policies that apply to all employees of this division are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

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

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-00001 would be the first new case beginning January 1, 2009.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Division accessible only to authorized Records Division personnel. Access to report files after-hours or when records personnel are otherwise not available may be obtained through the administrative staff.

Uintah County Sheriff's Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Division. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Division shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Records Division.

806.3 REQUISITION OF SUPPLIES

All personnel who are in need of supplies shall first check the supply closet. If the items needed are not available there, then they should contact their supervisor. If the supervisor is unable to locate the requested items, or they need to be ordered, the supervisor shall contact the Records Division to request the items.

Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies and safety protocols for the recovery of obliterated serial numbers from firearms and other objects, using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

808.2 PROCEDURE

Any firearm coming into the possession of the Uintah County Sheriff's Department as evidence or found property, where the serial numbers have been removed or obliterated will be processed in the following manner.

808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects, such as halos on the revolver cylinder face, or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the Property Form that serial numbers have been removed or obliterated.

808.2.3 DEPUTY RESPONSIBILITY

The property and evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration; maintaining the chain of evidence.

Uintah County Sheriff's Department

Policy Manual

Restoration of Firearm Serial Numbers

808.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence, from the time it was received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the Request Form or Property Form depending on the type of evidence.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property and evidence technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF [eTrace](#) system.

808.3 OTHER CONSIDERATIONS

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

Records Release and Security

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law (See appendix for reference chart).

810.2 PUBLIC REQUESTS FOR RECORDS

Utah Code 63G-2-201 provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in Utah Codes 63G-2-302, 63G-2-303, 63G-2-304 and 63G-2-305. Public requests for records of the Department shall be processed as follows:

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of the Department by submitting a written and signed Government Records Management Act (GRMA) request for each record sought and paying any associated fees. The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 business days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Sheriff or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party.
- (b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.
- (c) No department record shall be released without the approval of the Records Supervisor.
- (d) Requests by elected officials for records that are not open to public inspection should be referred to the Administrative Services Supervisor for a determination as to whether the records will be released.
- (e) Upon request, the Department shall provide unrestricted records in electronic format:
 1. If the Department currently maintains the records in an electronic format that is reproducible and may be provided without reformatting or conversion.
 2. If the electronic copy of the record does not disclose other records that are exempt from disclosure; or
 3. The electronic copy of the record can be segregated to protect private, protected or controlled information from disclosure without the undue expenditure of Department resources or funds (Utah Code 63G-2-201(12)).

810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of the Department shall be made public subject to the following restrictions.

Uintah County Sheriff's Department

Policy Manual

Records Release and Security

810.3.1 GENERAL CASE AND CRIME REPORTS

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

810.3.2 ARREST REPORTS

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

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

Criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos obtained from the state criminal history database shall only be subject to release to those agencies and individuals set forth in Utah Code 53-10-108 and as provided in Utah Code 17-22-30.

810.3.3 TRAFFIC COLLISION REPORTS

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

- (a) A person involved in the accident, excluding a witness to the accident.
- (b) A person suffering loss or injury in the accident.
- (c) An agent, parent, or legal guardian of the above.
- (d) A law enforcement agency.
- (e) The media, restricted to release of the following information:
 1. The name, age, gender, and city of residence of each person involved in the accident.
 2. The make, model, and year of each vehicle involved in the accident.
 3. Whether or not each involved person was covered by vehicle insurance.
 4. The location of the accident.
 5. A description of the accident.

810.3.4 PERSONNEL RECORDS

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

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

The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff or as required by law.

Uintah County Sheriff's Department

Policy Manual

Records Release and Security

810.3.5 RESERVED

810.3.6 AUTOMATED LICENSE PLATE READER (ALPR) RECORDS

ALPR data shall not be made public except as provided by a disclosure order, a search warrant or other court order (Utah Code 41-6a-2005).

810.4 OTHER RECORDS

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

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

Release of general and investigative reports of child abuse or suspected child abuse may only be disclosed pursuant to law (Utah Code 62A-4a-412, Utah Code 63G-2-305 (59) and Utah Code 77-37-4(5)).

810.4.1 PERSONAL IDENTIFYING INFORMATION

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

810.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a Subpoena Duces Tecum shall be stamped in red ink with a Department stamp identifying the individual to whom the record was released.

810.7 RECORD EXPUNGEMENTS

The petitioner of a request for a record expungement is responsible for delivering a copy of the approved court order to all affected agencies. Expungement orders received by this department shall be reviewed for appropriate action by a Records Division supervisor. An order of expungement shall not restrict the use or dissemination of records until the Department has received a copy of the order.

Upon validation by the Records Division supervisor, this department shall expunge the petitioner's identifying information contained in records in its possession relating to the incident for which expungement is ordered. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. To avoid the destruction or sealing

Uintah County Sheriff's Department

Policy Manual

Records Release and Security

of the incident record in whole or part, this department shall only expunge all references to the petitioner's name or other identifying information.

Once expunged, members of this department shall not divulge information contained in the expunged portion of any record, unless ordered to do so by a court. Absent a court order, members shall respond to any inquiry as though the arrest or conviction did not occur.

When records for an individual are expunged in accordance with the approved court order, all information from the Corrections Division shall be placed in the Records Division files with the case report(s) and sealed in accordance with current guidelines of the State of Utah.

810.8 TRAINING

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

Criminal History Record Information (CHRI)

812.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY

This policy is established pursuant to Utah Code 53-10-108 which delineates who has access to Criminal History Record Information (CHRI) and establishes penalties for the improper use of criminal history records.

812.3 DEFINITIONS

Criminal History Record Information - (CHRI) shall include Bureau of Criminal Identification (BCI) manual/automated rap sheets and abstracts, BCI crime summaries, BCI criminal history transcripts, FBI rap sheets and any UCSO documents containing a list of prior arrests.

Criminal Justice Agency - Means a public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Means any person or agency authorized by court order, statute or case law to receive CHRI.

Right to Know - Means persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - Means a necessity exists to obtain CHRI in order to execute official responsibilities.

812.4 AUTHORIZED RECIPIENTS OF CHRI

CHRI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

Utah Code 53-10-108(1)(a) through (h) describes agencies authorized to receive criminal history information. Persons not included in this statute, or authorized by the Commissioner of Public Safety, are not authorized recipients and shall not receive CHRI.

812.4.1 CRIMINAL RECORD SECURITY OFFICER

The Records Supervisor is the designated Criminal Record Security Officer for the Uintah County Sheriff's Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CHRI.

Uintah County Sheriff's Department

Policy Manual

Criminal History Record Information (CHRI)

812.4.2 RELEASE OF CHRI

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer.
- (b) Records Supervisor.
- (c) Full-time employees of the Records Division.
- (d) Personnel specifically designated in writing with the concurrence of the Criminal Records Security Officer.

812.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not be transmitted by radio broadcast or through unsecured computer terminals to field personnel or vehicles unless it is necessary to protect officers or the public from an identifiable threat. CHRI may be transmitted as part of a be on the lookout (BOLO) or attempt to locate (ATL) as necessary.

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to § 324 for more specific information regarding cases involving juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

Utah Code 53-10-108(8)(a) requires the Commissioner of Public Safety to establish procedures to allow an individual to review their criminal history information.

Utah Code 53-10-108(8)(c) requires the Commissioner of Public Safety to establish a procedure to allow an individual to challenge the completeness and accuracy of their criminal record information.

812.7 PROTECTION OF CHRI

CHRI shall be stored in the Records Division where constant personnel coverage will be provided. CHRI stored elsewhere shall be secured in locked desks, locked file cabinets or in locked rooms.

Direct access to CHRI stored in the Records Division shall be restricted to the Records Division personnel authorized to release it. Direct access to CHRI stored in desks, file cabinets and rooms outside the Records Division shall be restricted to those persons who possess both the right to know and the need to know the information.

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located throughout the Department. No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

Uintah County Sheriff's Department

Policy Manual

Criminal History Record Information (CHRI)

812.7.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding or by placing the documentation in the locked shredding container.

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

812.8 TRAINING PROGRAM

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CHRI.

812.9 PENALTIES FOR MISUSE OF RECORDS

Misuse of access to criminal history record information is a class B misdemeanor (Utah Code 53-10-108(11)(a)). The Commissioner of Public Safety shall also be informed of the misuse (Utah Code 53-10-108(11)(b)).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of § 340.

Employees who obtain, or attempt to obtain, information from the Department files other than that to which they are entitled in accordance with their official duties is a violation of § 340.

Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

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

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and therefore they should utilize the most knowledgeable available resources. When possible, this includes enlisting the help of a computer forensics examiner, who will make an exact copy, or mirror image, of the computer's hard drive; the original will be stored as evidence. This eliminates the possibility of altering or destroying any evidence on the original. The examiner will then search the copy of the hard drive for evidence.

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

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies should document the following in related reports:
 1. Where the computer was located and whether it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.

Uintah County Sheriff's Department

Policy Manual

Computers and Digital Evidence

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

814.2.1 BUSINESS OR NETWORKED COMPUTERS

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

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, floppy disks, compact discs or any other storage media is required, an exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices. The deputy will then forward the following items to a computer forensic examiner:

- (a) Copy of report(s) detailing how the computer was used in criminal activities. Also include the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to the investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

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

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission to a computer forensic examiner. If the information is needed for immediate investigation request the Evidence Room to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

Uintah County Sheriff's Department

Policy Manual

Computers and Digital Evidence

814.4 SEIZING PCDS

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

- (a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Un-sent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday shielding bag to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until the devices can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

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

814.5.1 COLLECTION OF DIGITAL EVIDENCE

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

814.5.2 SUBMISSION OF DIGITAL MEDIA

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

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Evidence Room as soon as possible for submission into evidence.
- (b) Deputies are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the Property Form.
- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Deputies requiring a copy of the digital files must request a copy on the Property Form when the items are submitted to evidence.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

Uintah County Sheriff's Department

Policy Manual

Computers and Digital Evidence

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Jeanne Clery Campus Security Act

822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

822.2 POLICY

The Uintah County Sheriff's Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092 (f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Uintah County Sheriff's Department facility. Reports will be accepted anonymously, by phone or via e-mail or on the institution's website.

It is the policy of the Uintah County Sheriff's Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Uintah County Sheriff's Department and faculty of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

- (a) Ensure that the Uintah County Sheriff's Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092 (f)(1)(J)(i) and (iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092 (f)(1)(C)(ii)),
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092 (f)(1)(G)),
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092 (f)(1)(J)).
 4. Notify the Uintah County Sheriff's Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)).
 5. Notify the Uintah County Sheriff's Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes (20 USC § 1092 (f)(3)).

Uintah County Sheriff's Department

Policy Manual

Jeanne Clery Campus Security Act

- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092 (f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092 (f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape and other sex offenses, and what to do if a sex offense occurs, including who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092 (f)(8)(B)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations, in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

822.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining Uintah County Sheriff's Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092 (f)(1)(F)(i)):
 - 1. Murder
 - 2. Sex offenses, forcible or non-forcible
 - 3. Robbery
 - 4. Aggravated assault
 - 5. Burglary
 - 6. Motor vehicle theft
 - 7. Manslaughter
 - 8. Arson
 - 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092 (f)(1)(F)(ii)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092 (f)(7) and 34 CFR 668.46 (c)(7)). The statistics will be categorized separately as offenses that occur (20 USC § 1092 (f)(12) and 34 CFR 668.46 (c)(4)):
 - 1. On campus.

Uintah County Sheriff's Department

Policy Manual

Jeanne Clery Campus Security Act

2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus, residential, student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Uintah County Sheriff's Department (34 CFR 668.46(c)(2)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092 (f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092 (f)(7)).

822.4.1 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092 (f)(4) and 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Uintah County Sheriff's Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 1. Disclosure of the information is prohibited by law.
 2. Disclosure would jeopardize the confidentiality of the victim.
 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, that may cause a suspect to flee or evade detection, or that could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

822.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative Services Supervisor to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092 (f)(3) and 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes.
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092 (f)(1); 34 CFR 668.46 (b)). This report will include, but is not limited to, the following:

Uintah County Sheriff's Department

Policy Manual

Jeanne Clery Campus Security Act

1. Crime statistics
2. Crime and emergency reporting procedures
3. Policies concerning security of and access to campus facilities
4. Crime and sexual assault prevention programs
5. Enforcement policies related to alcohol and illegal drugs
6. Locations where the campus community can obtain information about registered sex offenders
7. Emergency response and evacuation procedures
8. Missing student notification procedures

Uintah County Sheriff's Department
Policy Manual

Chapter 9 - Custody

Temporary Holding Facility

900.1 RESERVED

900.1.1 RESERVED

900.1.2 RESERVED

900.1.3 RESERVED

900.1.4 RESERVED

900.1.5 COURT HOLDING - TEMPORARY HOLDING FACILITY PRISONERS

Prisoners who are temporarily housed in this facility pending court appearance will be segregated according to this Department's prisoner classification policy.

900.1.6 RESERVED

900.1.7 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, deputies should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by an employee of the Department, the transporting deputy shall be responsible for the following:

- (a) Verify that the identity of each prisoner to be transported matches the booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property and warrant copies.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential or a medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting deputy shall ensure such threat or danger is communicated to intake personnel at the facility.

900.1.8 RESERVED

900.2 DEPARTMENT ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Temporary Holding Facility operations have been established:

Uintah County Sheriff's Department

Policy Manual

Temporary Holding Facility

- (a) Facility Administrator: The Sheriff shall be the Facility Administrator officially charged, by law, with the administration of the Temporary Holding Facility.
- (b) Temporary Holding Facility Manager: The Corrections Division Commander has the responsibility for planning, managing, administrative functions, review of the facility manual and the operations of the Temporary Holding Facility.
- (c) Maintenance Manager: The Court Bailiff will be responsible for the physical maintenance, cleanliness and supply of the Temporary Holding Facility. The Court Bailiff will be responsible to the Temporary Holding Facility Manager.
- (d) Temporary Holding Facility Supervisor: The employee with 24-hour-per-day functional responsibility for the Temporary Holding Facility will be the Corrections Supervisor on duty. Any other supervisor may provide assistance as needed.
- (e) Custodial Personnel: Custodial personnel shall be those on-duty correctional personnel or other designated employees whose additional duties include the supervision of prisoners who are detained in the Temporary Holding Facility.

900.3 RESERVED

900.3.1 RESERVED

900.3.2 RESERVED

900.3.3 RESERVED

900.3.4 TEMPORARY DETENTION OF JUVENILES

Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles Policy (Utah Code 62a-7-201). Juveniles will not be permitted in the Temporary Holding Facility.

900.3.5 TEMPORARY DETENTION OF FEMALES

Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be available and accessible to the female prisoner. Male employees are not to search or enter the cell of a female prisoner unless a female employee is present.

In the event there is not a female employee readily available to conduct searches and hourly safety inspections, the female prisoner shall be transported to the county jail or released pursuant to another lawful process (e.g., citation, O.R. release).

900.3.6 HANDCUFFING OF PREGNANT ARRESTEES IN LABOR

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, deputies or others.

Uintah County Sheriff's Department

Policy Manual

Temporary Holding Facility

900.4 RESERVED

900.5 RESERVED

900.5.1 RESERVED

900.6 RESERVED

900.6.1 RESERVED

900.6.2 RESERVED

900.6.3 RESERVED

900.6.4 RESERVED

900.6.5 RESERVED

900.6.6 RESERVED

900.6.7 RESERVED

900.7 RESERVED

900.7.1 RESERVED

900.7.2 RESERVED

900.8 RESERVED

900.8.1 RESERVED

900.8.2 RESERVED

900.9 RESERVED

900.9.1 RESERVED

900.9.2 RESERVED

900.9.3 RESERVED

900.9.4 RESERVED

900.9.5 RESERVED

900.9.6 RESERVED

900.9.7 RESERVED

Adopted: 2013/06/11 © 1995-2013 Lexipol, LLC

900.9.8 RESERVED

Custody Searches

902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent Department procedures of pre-arraignment detainees.

902.2 DEFINITIONS OF SEARCHES

Pat-Down Search - This is the normal type of search used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the prisoner or other prisoners.

Booking Search - This search is used in the jail and again involves a thorough patting down of all areas of the prisoner's clothing. All pockets, cuffs, on the clothing are checked to locate all personal property, contraband or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person. This includes monitoring of an arrestee showering or changing clothes where the arrestee's private underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

902.3 PAT DOWN SEARCHES

When any deputy has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the deputy reasonably believes that the individual may present a threat to officer safety, that deputy may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any sheriff's vehicle, a deputy should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by a deputy of the same gender as the person being searched. Absent the availability of a same gender deputy, it is recommended that a witness deputy be present during any pat-down search of an individual who is not the same gender as the searching deputy.

902.4 BOOKING SEARCHES

- (a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for a misdemeanor or infraction not involving weapons, controlled substance or violence may be placed in the general jail population, unless all of the following conditions exist:
1. The person is not cited and released.
 2. The person is not released on his/her own recognizance.

Uintah County Sheriff's Department

Policy Manual

Custody Searches

3. The person is not able to post bail within a reasonable time, i.e., not less than three hours.
- (b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

902.5 STRIP SEARCHES

No person held at an Uintah County Sheriff's Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.
- (b) Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (past possession of contraband while in custody, assaults on staff, escape attempts).
- (d) The person's actions or demeanor.
- (e) Criminal history (level of experience in a custody setting).

No transgender or intersex prisoner shall be searched or examined for the sole purpose of determining the prisoner's genital status. If the prisoner's genital status is unknown, it may be determined during conversations with the prisoner, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Uintah County Sheriff's Department facilities shall be conducted as follows:

- (a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.
- (b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second deputy of the same sex should be present during the search for security and as a witness to the finding of evidence.
- (e) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.
- (f) The primary employee conducting the search shall prepare a written report to include:
 1. The facts that led to the decision to perform a strip search.

Uintah County Sheriff's Department

Policy Manual

Custody Searches

2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the Shift Sergeant.
 4. The name of the person who was searched.
 5. The name and sex of the persons who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, recovered during the search.
 10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.
- (g) A copy of the written authorization shall be retained and made available upon request to the prisoner or the prisoner's authorized representative.
- (h) No employee should view a prisoner's private underclothing, buttocks, genitalia or female breasts while that person is showering, performing bodily functions or changing clothes unless the prisoner otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the prisoner with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the prisoner's consent and/or otherwise protect the prisoner's privacy and dignity.

902.6 PHYSICAL BODY CAVITY SEARCH

- (a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant.
- (b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative.
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search.
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same gender as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

902.7 TRAINING

The Training Officer shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.
- Conducting searches of transgender and intersex prisoners.

Prison Rape Elimination

904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Uintah County Sheriff's Department Temporary Holding Facilities (28 CFR 115.111).

904.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Uintah County Sheriff's Department

Policy Manual

Prison Rape Elimination

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

904.2 POLICY

The Uintah County Sheriff's Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Uintah County Sheriff's Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

904.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Uintah County Sheriff's Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Uintah County Sheriff's Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).
- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents or a similarly comprehensive and authoritative protocol.
 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

Uintah County Sheriff's Department

Policy Manual

Prison Rape Elimination

3. A process to document all referrals to other law enforcement agencies.
 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).
 2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

904.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse

Uintah County Sheriff's Department

Policy Manual

Prison Rape Elimination

- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

904.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Watch Commander any knowledge, suspicion or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against prisoners or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Sergeant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Shift Sergeant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Sergeant shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment.

Uintah County Sheriff's Department

Policy Manual

Prison Rape Elimination

Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 FIRST RESPONDERS

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Uintah County Sheriff's Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the prosecutor's office for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

Uintah County Sheriff's Department

Policy Manual

Prison Rape Elimination

904.5.4 SEXUAL ASSAULT AND ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the County Commission. The Sheriff or County Commission shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

904.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Sergeant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Sergeant or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

Uintah County Sheriff's Department

Policy Manual

Prison Rape Elimination

904.7 REVIEWS AND AUDITS

904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

Uintah County Sheriff's Department

Policy Manual

Prison Rape Elimination

All aggregated sexual abuse data from Uintah County Sheriff's Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Officer shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Officer shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

Uintah County Sheriff's Department
Policy Manual

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

It is the employment policy of the Uintah County that the Department shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status or gender, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Uintah County Department of Human Resources.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Uintah County Department of Human Resources maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Uintah County or State of Utah hiring standards. The Utah Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants (Utah Code 53-6-203).

1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid Utah driver's license.
- (b) The ability to drive safely.
- (c) The ability to control a motor vehicle at high speeds.
- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) The following shall be disqualifying:
 1. Receipt of three or more moving violations (or any single violation of a potential life-threatening violation, such as reckless driving, speed contest, suspect of a pursuit) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
 3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application.
 4. Two convictions for driving under the influence of alcohol and/or drugs.

Uintah County Sheriff's Department

Policy Manual

Recruitment and Selection

1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
- (c) Showing strong moral character and integrity in dealing with the public.
- (d) Being honest in dealing with the public.
- (e) The following shall be disqualifying:
 - 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination.
 - 2. Discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
 - 3. Any forgery, alteration or intentional omission of material facts on an official employment application document, or episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

The following shall be disqualifying:

- (a) The inability to give testimony in a court of law due to his/her dishonesty or lack of veracity, or due to prior felony conviction.
- (b) Conviction of any criminal offense involving dishonesty, unlawful sexual conduct or physical violence.
- (c) Conviction of any offense classified as a misdemeanor under Utah law while employed as a peace officer (including military police officers).
- (d) Admission of having committed any act amounting to a felony (including felony offenses later reduced to misdemeanor convictions) under Utah law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).
- (e) Admission of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
- (f) Admission of any act of domestic violence as defined by law, committed as an adult.
- (g) Admission of any criminal acts committed against children. Acts of consensual unlawful sexual activity with a minor that took place between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
- (h) Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

1000.3.4 DEPENDABILITY

- (a) Having a record of submitting reports on time and not malingering on calls.
- (b) A record of being motivated to perform well.
- (c) A record of dependability and follow through on assignments.
- (d) A history of taking the extra effort required for complete accuracy in all details of work.
- (e) A willingness to work the hours needed to complete a job.
- (f) The following shall be disqualifying:

Uintah County Sheriff's Department

Policy Manual

Recruitment and Selection

1. Missing any scheduled appointment during the process without prior permission
2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations.
3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.
4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past 10 years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.
5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.
6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information.
- (b) The ability to recall information pertaining to laws, statutes, codes.
- (c) The ability to learn and to apply what is learned.
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.
- (e) The following shall be disqualifying:
 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
 2. Having been academically dismissed from any POST-certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas. Subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement.

1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity to the feelings of others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Effectiveness in dealing with people without arousing antagonism.
- (e) The ability to understand the motives of people and how they will react and interact.
- (f) The following shall be disqualifying:
 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.

Uintah County Sheriff's Department

Policy Manual

Recruitment and Selection

3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:
 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state civil rights laws.
 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) Conviction involving the unlawful use, manufacturing, cultivation, sale or possession for sale of a controlled substance will be considered automatic disqualifiers for public safety applicants.
- (b) Use of the following drugs in the last five years will be considered automatic disqualifiers:
 1. Heroin, PCP, Quaaludes.
 2. Toluene, Percodan, Crank.
 3. LSD, Mescaline.
 4. Cocaine, Tai Sticks, Morphine.
 5. Peyote, Opium, Demerol.
 6. Methadone Psilocybin / Mushroom Amphetamine.
 7. Barbiturates Injected / Methamphetamine.
- (c) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
 1. Any illegal use or possession of a drug as a juvenile.
 2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above.
 3. Any illegal or unauthorized use of prescription medications.

1000.3.9 POST STANDARDS

Applicants will be disqualified for hire if they fail to qualify for POST certification under Utah Code 53-6-203 and Utah Code 53-6-211.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Uintah County Sheriff's Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1002.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered in the Reserve Deputies Policy.

Uintah County Sheriff's Department

Policy Manual

Evaluation of Employees

1002.4 FULL-TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for six months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary deputies are evaluated daily, weekly and monthly during the probationary period.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire, except for employees who have been promoted, in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard, and when follow-up action is planned (action plan, remedial training, retraining). The Performance Evaluation Form and the attached documentation shall be submitted as one package.

1002.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A Needs Improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and to make suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the Rater Comments section.

Uintah County Sheriff's Department

Policy Manual

Evaluation of Employees

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the County harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- (a) That the employee understands the harassment and discrimination policies.
- (b) Whether any questions the employee has have been sufficiently addressed.
- (c) That the employee knows how and where to report harassment policy violations.
- (d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to County Department of Human Resources.

Promotion and Transfer

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Uintah County Sheriff's Department.

1004.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

- (a) Present a professional, neat appearance.
- (b) Maintain a good physical condition which aids in their performance of the essential job functions.
- (c) Demonstrate the following traits:
 1. Emotional stability and maturity.
 2. Stress tolerance
 3. Sound judgment and decision-making.
 4. Personal integrity and ethical conduct.
 5. Leadership
 6. Initiative
 7. Adaptability and flexibility.
 8. Ability to conform to organizational goals and objectives in a positive manner.

1004.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) Special Enforcement Team member.
- (b) Detective.
- (c) Motor Deputy.
- (d) Accident Investigator.
- (e) Field Training Officer.
- (f) Community Relations/Training Officer.
- (g) D.A.R.E. Officer.
- (h) Court Officer.

1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Three years experience.
- (b) Off probation.
- (c) Has shown an expressed interest in the position applied for.

Uintah County Sheriff's Department

Policy Manual

Promotion and Transfer

- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations.
- (e) Completed any training required by POST or law.

1004.3 SELECTION PROCESS

The following criteria apply to transfers:

- (a) Administrative evaluation as determined by the Sheriff. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.
- (c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit a recommendation(s) to the Sheriff.
- (d) Appointment by the Sheriff.

This policy for all positions may be waived for temporary assignments, emergency situations or for training.

1004.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Uintah County Department of Human Resources.

Grievances

1006.1 PURPOSE AND SCOPE

It is the policy of the Department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance. The Department's philosophy is to promote open lines of communication between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment, or the dispute involving the interpretation or application of any of the following documents by the person affected:

- This Policy Manual
- County rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individually affected employee or by a group representative.

Specifically outside the category of grievance are:

- Complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment.
- Complaints related to allegations of discrimination on the basis of gender, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy.
- Personnel complaints consisting of any allegation of misconduct or improper job performance against any Department employee that, if true, would constitute a violation of any Department policy, federal, state or local law set forth in the Personnel Complaint Procedure Policy.

1006.2 PROCEDURE

If a sworn deputy of the Uintah County Sheriff's Department believes that he/she has a grievance as defined above, then that deputy shall observe the following procedure (Utah Code 17-30-19).

- (a) Any deputy who is the subject of disciplinary charges that seek demotion, reduction in pay, suspension or discharge of a merit system deputy, may, within 10 days after service of the charges, appeal in writing to the County Merit Service Commission by contacting the Uintah County Human Relations Office. The deputy and the Sheriff or the authorized designee may attempt to resolve the grievance through informal internal procedures. Such informal procedures shall not toll the time to appeal to the County Merit Service Commission.
- (b) The County Merit Service Commission shall set a time and place for a hearing on the charges or appeal of the grievance and give notice of the hearing to the parties.
- (c) The parties may be represented by counsel at the hearing.
- (d) The hearing shall be held not less than 10 and not more than 90 days after an appeal or grievance is filed. The hearing may be held more than 90 days after an appeal or

Uintah County Sheriff's Department

Policy Manual

Grievances

grievance is filed if the deputy, Sheriff and Uintah County Human Relations Director agree or if the County Merit Service Commission orders.

- (e) After the hearing, the County Merit Service Commission shall issue a written decision, including findings of fact.
- (f) Any final action or order of the County Merit Service Commission may be appealed to the District Court within 30 days of the issuance of the final action or order of the County Merit Service Commission.

1006.3 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with an immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or bureau.
- (c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Undersheriff.
- (d) If the employee and the Undersheriff are unable to arrive at a mutual solution, then the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor. Include the following information in the written statement:
 - (a) The basis for the grievance (i.e., the facts of the case)
 - (b) Allegation of the specific wrongful act and the harm done
 - (c) The specific policies, rules or regulations that were violated
 - (d) What remedy or goal is being sought by this grievance

The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

The Sheriff and the Human Relations Director will review and analyze the facts or allegations and may consult the Uintah County Commission. Response to the employee should be within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies, if appropriate. The decision of the County Commission is considered final.

1006.4 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1006.5 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administrative Services for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Human Relations office to monitor the grievance process.

Uintah County Sheriff's Department

Policy Manual

Grievances

1006.6 GRIEVANCE AUDITS

The Training Officer shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Officer shall record these findings in a confidential and generic memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this Policy Manual, the Training Officer should promptly notify the Sheriff.

Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department Director of any past and current criminal convictions (Utah Code 76-10-503).

1010.2 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).

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

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

1010.3 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 Department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE

All members of this department and all retired deputies with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree 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.

Uintah County Sheriff's Department

Policy Manual

Reporting of Employee Convictions

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

Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1012.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Uintah County Sheriff's Department

Policy Manual

Drug- and Alcohol-Free Workplace

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

Uintah County Sheriff's Department

Policy Manual

Drug- and Alcohol-Free Workplace

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

Sick Leave

1014.1 PURPOSE AND SCOPE

Employees of the Department have a sick leave benefit that may provide continued compensation during times of absence due to personal illness or family illness. An employee shall accrue sick leave with pay in proportion to the time paid each pay period. Sick leave shall accrue without limit.

Sick leave may be granted for the following:

- (a) Preventive health and dental care
- (b) Maternity
- (c) Paternity
- (d) Adoption care
- (e) Illness, injury or temporary disability of the following:
 1. The employee
 2. The employee's spouse
 3. The employee's children or parents living in the employee's home

Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825).

1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave is not considered vacation and, abuse of sick leave may result in discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the nature of sick leave usage and the amount of time taken.

1014.2.1 NOTIFICATION

Employees are encouraged to notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED ILLNESS

Employees absent from duty on sick leave in excess of three successive work days shall produce administratively acceptable evidence. If there is reason to believe that

Uintah County Sheriff's Department

Policy Manual

Sick Leave

an employee is abusing sick leave, a supervisor may require an employee to produce evidence regardless of the number of sick hours used.

1014.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on Department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. This policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with blood borne pathogens, aerosol transmissible diseases and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate testing, treatment and counseling should an employee be exposed to a communicable disease.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Bodily fluids - Includes amniotic fluid, pericardial fluid, peritoneal fluid, pleural fluid, synovial fluid, cerebrospinal fluid, saliva, semen and vaginal secretions and any bodily fluid visibly contaminated with blood (Utah Code 78B-8-401).

Communicable disease - Human Immunodeficiency Virus (HIV) infection, acute or chronic Hepatitis B infection, Hepatitis C infection and any other infectious disease designated by the Labor Commission (Utah Code 78B-8-401; UAC R612-300-19).

Significant exposure - Exposure of the body of one person to the blood or bodily fluids of another person by (Utah Code 78B-8-401; UAC R612-300-19), including:

- (a) An injury to the skin, including a needle stick or cut.
- (b) Contact with an open wound, mucous membrane or non-intact skin because of a cut, abrasion, dermatitis or other damage.
- (c) Exposure that occurs by any other method of transmission that is defined by the county Department of Health as a significant exposure.

Source person - The person who was the source of a blood or bodily fluid exposure.

1016.2 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall be responsible for the following:

- (a) The overall management of the Exposure Control Plan (ECP)
- (b) Establishing written procedures and a training program related to aerosol transmissible diseases
- (c) The ECO will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.

Uintah County Sheriff's Department

Policy Manual

Communicable Diseases

- (d) The ECO will remain current on all legal requirements concerning bloodborne pathogens and other communicable diseases.
- (e) The ECO will act as a liaison during state or federal Occupational Safety and Health Administration (OSHA) inspections and shall conduct program audits to maintain a current ECP.
- (f) The ECO will develop and implement a training program, will maintain a current list of sheriff's personnel requiring training, will maintain class rosters and quizzes, and periodically review the training program.
- (g) The ECO will review and update the ECP annually (on or before January 1 of each year).
- (h) The ECO will submit an Employer's First Report of Injury/Illness (Form 122) to the state Department of Labor when appropriate (UAC R612-100-3).
- (i) The ECO will submit Exposure Report Forms to the state Department of Labor when appropriate (UAC R612-300-19).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

1016.2.1 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids, such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious.

1016.2.2 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair of disposable latex gloves; keeping a box in the car is recommended.
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at the emergency site; keeping several alcohol wipes in the car is recommended.

Additionally, Utah OSHA recommends:

- Water with bleach solution of 1:100 for irrigation of large areas
- Water or a saline solution applied to the eyes for 15 minutes
- Nomex® gloves, versus latex, for durability

The protective equipment is to be kept in each sheriff's vehicle, and should be inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift.

1016.2.3 IMMUNIZATIONS

All personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate immunization.

Uintah County Sheriff's Department

Policy Manual

Communicable Diseases

1016.2.4 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where the potential for an exposure exists.

1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to disposal and decontamination after responding to an event that involved contact with a person's blood or bodily fluids.

1016.3.1 USE OF WASTE CONTAINERS

Deputies shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color, appropriately labeled with a biohazard warning, and routinely emptied.

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound), shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that take place in the station shall be done in the designated cleaning or decontamination area. Washing shall not be done in the kitchen, bathrooms or other locations that are not designated as a cleaning or decontamination area.

Uintah County Sheriff's Department

Policy Manual

Communicable Diseases

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel should avoid handling sharps (needles) with their hands. Utah OSHA recommends a tool, such as tongs, pliers, dust pan and broom or similar devices should be used. Whenever practical, this method should also be used while assisting a paramedic or collecting sharps for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is required, a tool should also be used. If a tool can not be used, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device, such as tongs or a broom and a dustpan to clean up debris. If the material must be handheld, protective gloves must be worn.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or sheriff's vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or sheriff's station. Disposable gloves are to be worn while placing the waste into the biohazard waste container, placing the gloves in with the waste when through.

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any personal protective equipment that becomes punctured, torn or loses its integrity shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, the procedures in this policy shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or sheriff's vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included with the waste.

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or sheriff's station for proper cleaning and disinfecting. Porous surfaces, such as nylon bags and straps, shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very

Uintah County Sheriff's Department

Policy Manual

Communicable Diseases

carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathroom or other areas not designated as a cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants, such as vomit, feces or blood clots should first be removed using a disposable towel or other means to prevent direct contact, and properly disposed.

1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing, such as uniforms and undergarments, shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and will inform the dry cleaner of the potential contamination. This dry cleaning will be done at the department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1016.3.9 DECONTAMINATION OF THE STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary, and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee.

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

Any employee who believes that he/she has been significantly exposed to the bodily fluids of another shall submit a state Department of Labor Exposure Report Form with a supplemental memo to the on-duty supervisor. This report and memo should include the names of witnesses to the incident, names of persons involved in the underlying incident, and if feasible, any written statements from these parties. This Exposure Report Form should be accompanied by other reports related to the underlying incident. The following information should be contained in the reports and the memo:

- (a) Names and Social Security numbers of the employees exposed

Uintah County Sheriff's Department

Policy Manual

Communicable Diseases

- (b) Date and time of incident
- (c) Location of incident
- (d) The potentially infectious materials involved
- (e) Source of material or person
- (f) Current location of material or person
- (g) Work being done during exposure
- (h) How the incident occurred or was caused
- (i) Personal protective equipment in use at the time of the incident
- (j) Actions taken post-event (cleanup, notifications)
- (k) Whether the exposed employee desires that the source person is tested for communicable diseases

The employee's report shall be submitted by the end of the shift during which the incident occurred, or as soon as practicable, but not to exceed three days from the incident. If a source person is receiving medical treatment, the exposed employee should complete an Exposure Report Form and give a copy to an authorized person at the medical facility; this will allow the source person to be tested through the medical facility if the source person consents.

When the person to whom the employee was significantly exposed receives medical treatment, it is the responsibility of the exposed employee to complete an Exposure Report Form and ensure that a copy is delivered to an authorized person at the medical facility at the time of treatment (Utah Administrative Code R612-10).

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every significant exposure that occurs as soon as reasonably practicable following the incident, and ensure that the exposed employee completes a Department of Labor Exposure Report Form with attached memo/reports.

The supervisor shall use the above information to prepare a written summary of the incident and its causes, and recommendations for avoiding similar events. This report will be provided to the Administrative Services supervisor, the ECO, the consulting physician and to the County's Risk Manager.

Medical facilities rendering aid to the source person may obtain consent for communicable disease testing. If the source person was taken to a medical facility for treatment, the supervisor shall do the following (Utah Administrative Code R612-10):

- (a) Ensure a copy of the exposed employee's Exposure Report Form is completed as soon as possible.
- (b) Ensure the Exposure Report Form is delivered to the medical facility where the source person is being treated.
- (c) Remain in contact with the medical facility to learn whether consent was given and a blood sample was taken.
- (d) Report these results in the written summary.
- (e) Ensure that the ECO is notified of the incident.

Uintah County Sheriff's Department

Policy Manual

Communicable Diseases

1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who experiences a significant exposure or suspected significant exposure should be seen by a physician (or qualified health care provider) as soon as possible. The doctor (or qualified health care provider) shall review the supervisor's report, the employee's medical records relevant to the visit and examination, and the Communicable Disease Notification Report.

The blood of the exposed employee shall be tested. If possible, the blood of the source person shall also be tested.

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source's test results.

The health care professional shall provide the ECO and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee
- If the employee received a post-exposure treatment
- Confirmation that the employee received the evaluation results
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for professional counseling and consultation.

1016.4.5 CONFIDENTIALITY OF REPORTS

The ECO shall ensure that all records and reports are kept in the strictest confidence. Any person receiving test results of another must keep the results confidential. Failing to keep the information confidential is a violation of policy and may result in criminal prosecution (Utah Code 26-6-27, Utah Code 78B-8-402(10) and Utah Code 78B-8-403).

1016.4.6 TESTING COMPLIANCE

It will be the responsibility of the Administrative Services supervisor to ensure that the process for disease testing as set forth in Utah Code 78B-8-402 for either obtaining consent or a court order is promptly initiated when applicable. If consent for testing is not obtained from the source, the Administrative Services supervisor should contact County counsel and proceed with a petition for a court order for testing.

Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Uintah County Sheriff's Department facilities or vehicles.

1018.2 POLICY

The Uintah County Sheriff's Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Uintah County Sheriff's Department to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

1018.3 EMPLOYEE USE

Tobacco use by employees is prohibited any time employees are in public view representing the Department.

Smoking and other use of tobacco products is not permitted inside any County facility, office or vehicle (Utah Code 26-38-3).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any public building (including any department facility), all enclosed indoor places of public access, or any buildings where restrictions on use of tobacco products are posted or notice of tobacco use restrictions is provided by other means, whether present for training, enforcement or any other purpose (Utah Administrative Code R392-510-9).

Personnel Complaints

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of the Department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any Department employee that, if true, would constitute a violation of any Department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a Department supervisor and shall not be considered complaints.

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a Department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a Personnel Complaint Form. The responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or when a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor of rank greater than the accused employee or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel Complaint Forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other government facilities.

1020.2.2 SOURCE OF COMPLAINTS

- (a) A Department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

Uintah County Sheriff's Department

Policy Manual

Personnel Complaints

- (c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) When an uninvolved supervisor or the Shift Sergeant determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of any Department policy or procedure, a complaint need not be taken.
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained, and the person should be provided with a Personnel Complaint Form.
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present, and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a Personnel Complaint Form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor or Shift Sergeant log entry.

When a Personnel Complaint Form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of the original complaint.

1020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The Sheriff or any supervisor who is aware of circumstances where a deputy's certification as a peace officer may be subject to suspension or revocation by Utah Peace Officer Standards and Training (POST), based on a violation or condition described in Utah Code § 53-6-211(1), has an affirmative responsibility to investigate the matter and report to POST, if the allegation is found to be true (Utah Code § 53-6-211(6)).

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Sheriff or authorized designee may,

Uintah County Sheriff's Department

Policy Manual

Personnel Complaints

however, direct that another supervisor investigate. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Shift Sergeant, commanding officer and Sheriff are notified as soon as practicable.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint Form has been completed as fully as possible. The original complaint form will then be directed to the commanding officer of the accused employee, via the chain of command, who will take appropriate action or, if appropriate, forward the complaint to the Internal Affairs Unit for further action.
 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
 2. Photographs of alleged injuries, as well as accessible areas of non-injury, should be taken once immediate medical attention has been provided.
 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing, or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Sheriff who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Department of Human Resources and the Sheriff for direction regarding each of their roles in investigation and/or addressing the complaint.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Department identification, assigned weapon(s) and any other Department equipment.
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the duration of the investigation. The employee may be required to remain available for contact at all times during such shift, and shall report as ordered.

Uintah County Sheriff's Department

Policy Manual

Personnel Complaints

- (e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Sheriff.
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of the Department is accused of potential criminal conduct, a separate supervisor or detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Sheriff may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian. The employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, regardless of whether there has been a conviction. However, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report. In accordance with this policy, an independent administrative investigation shall be conducted based upon the allegations in the report.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Internal Affairs Unit, the following procedures shall be followed with regard to the accused employee(s).

- (a) Interviews of accused employees shall be conducted during reasonable hours. If the employee is off-duty, the employee shall be compensated.
- (b) No more than two interviewers may ask questions of an accused employee.
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation.
- (d) All interviews shall be for a reasonable period. The employee's personal needs shall be accommodated.
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights. This admonishment shall be given administratively,

Uintah County Sheriff's Department

Policy Manual

Personnel Complaints

regardless of whether the employee was advised of these rights during any separate criminal investigation.

- (h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1020.6.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties, or if the employee is assigned to or being considered for a special assignment with a potential for bribes.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other Department-assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor in the presence of an uninvolved witness, for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format.

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (recordings, photos, documents) should be attached to the report.

Uintah County Sheriff's Department

Policy Manual

Personnel Complaints

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve Department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt of the complaint. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Once received, the Sheriff may accept or modify the classification and recommendation for disciplinary action.

Within 30 days of the final review by the Sheriff, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings. It will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint.

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Sheriff to discuss the matter further.

1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential and protected peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process (Utah Code, Title 63 Part 3).

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation, and such

Uintah County Sheriff's Department

Policy Manual

Personnel Complaints

false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

All formal personnel complaints shall be maintained for a period of no less than three years. All non-citizen (e.g., those that originate internally) initiated complaints shall be maintained no less than three years.

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Internal Affairs Unit apart from the employee's personnel file.

Seat Belts

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in Department vehicles (Utah Code 41-6a-1803).

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.3 TRANSPORTING CHILDREN

A passenger of a sheriff's vehicle younger than 8-years of age shall be secured using a child restraint device in the manner prescribed by the manufacturer of the device (Utah Code 41-6a-1803(1)(a)(ii)). A passenger under 8-years of age who is 57-inches tall or taller is exempt from the requirement to be in a child restraint device and shall use a properly adjusted and fastened safety belt as required for passengers 8-years of age and up to 16-years of age as described below (Utah Code 41-6a-1803(1)(b)).

A passenger of a sheriff's vehicle 8-years of age and up to 16-years of age shall be secured in a properly adjusted and fastened safety belt (Utah Code 41-6a-1803(1)(a)(iii)).

Rear-seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child restraint system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side airbag should be deactivated. In the event this is not possible, officers should consider arranging for alternative transportation.

1022.4 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Uintah County Sheriff's Department

Policy Manual

Seat Belts

1022.5 INOPERABLE SEAT BELTS

No person shall operate a Department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Sheriff.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Uintah County Sheriff's Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Uintah County Sheriff's Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when a deputy is working in uniform or taking part in Department range training.
- (e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled

Uintah County Sheriff's Department

Policy Manual

Body Armor

(e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

Peace Officer Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of the Department to maintain the confidentiality of peace officer personnel records pursuant to Utah Code 63G-2-302 and 63G-2-304.

1026.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual deputy's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the deputy participated or observed, and that pertain to the manner in which the deputy performed official duties.
- (f) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department file - That file which is maintained in the office of the Sheriff as a permanent record of a sworn deputy's employment with this department.

Division file - Any file which is separately maintained internally by an employee's supervisor within an assigned division for the purpose of completing timely performance evaluations.

Supervisor log entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of the Department.

Training file - Any file which documents the training records of an employee.

Internal affairs files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical file - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Utah Code 63G-2-302 and 63G-2-304, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant

Uintah County Sheriff's Department

Policy Manual

Peace Officer Personnel Files

to discovery procedures or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the County Commission, County Attorney or other attorneys or representatives of the County in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

All requests for the disclosure of any information contained in any peace officer personnel record shall be promptly brought to the attention of the Shift Sergeant, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved deputy or written authorization of the Sheriff or designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates or otherwise discloses the residence address or telephone number of any employee of the Department may be guilty of a class B misdemeanor (Utah Code 63G-2-801).

The disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any, was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the deputy who is the subject of the investigation (or the deputy's representative) publicly makes a statement which is published in the media and which the deputy (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours, and will submit such a request to the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Sheriff through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the Department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

Uintah County Sheriff's Department

Policy Manual

Peace Officer Personnel Files

- (a) Ongoing Internal Affairs investigations if the employee access could jeopardize or compromise the investigation pending its final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of Internal Affairs files which have not been sustained against the employee.

1026.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1026.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.
 - 1. It shall be the responsibility of the involved employee to provide in a timely manner the Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.
 - 2. The Training Officer or supervisor shall ensure that copies of such training records are placed in the employee's Department file.
- (c) Disciplinary action;
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's Department file at least two years.
 - 2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's Department file at least three years.
 - 3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's Department file, but will be separately maintained for the appropriate retention period in the Internal Affairs file.
- (d) Adverse comments, such as supervisor log entries, may be retained in the Department file or division file after the employee has had the opportunity to read and initial the comment, for a period up to three years.
 - 1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comments within 30 days.
 - 2. Any such employee response shall be attached to and retained with the original adverse comment.
 - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (e) Commendations shall be retained in the employee's Department file, with a copy provided to the involved employee(s).

Uintah County Sheriff's Department

Policy Manual

Peace Officer Personnel Files

- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- (g) A photograph of the employee.

1026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely performance evaluations.
 - 1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
 - 2. Duplicate copies of items that will also be included in the employee's Department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
 - 3. Once the permanent Performance Evaluation Form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the division file.

1026.7.3 INTERNAL AFFAIRS FILE

The Internal Affairs file shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the supervisor of the Internal Affairs Unit. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition.
 - 1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002) with an alphabetically arranged index card cross-referenced for each involved employee.
 - 2. Each investigation file arising out of a formal citizen's complaint or involving discriminatory harassment/hostile work environment shall be maintained no less than five years. Investigation files arising out of other internally generated complaints shall be maintained no less than two years.
- (b) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee's career.

1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide in a timely manner the Training Officer or immediate supervisor with evidence of completed training/education.
- (b) The Training Officer or supervisor shall ensure that copies of such training records are placed in the employee's training file.

Uintah County Sheriff's Department

Policy Manual

Peace Officer Personnel Files

1026.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to, the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than three years from the underlying complaint date.

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than three years from the underlying complaint date.

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Sheriff.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Sheriff, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

Request for Change of Assignment

1028.1 PURPOSE AND SCOPE

It is the policy of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment Form. The form should then be forwarded through the chain of command to their Division Commander.

1028.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this Form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment Form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, employees who are still interested in new positions will need to complete and submit a new Request for Change of Assignment Form.

1028.3 SUPERVISOR'S COMMENTARY

The deputy's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander of the employee involved. In the case of patrol deputies, the Shift Sergeant must comment on the request with a recommendation before forwarding the request to the Division Commander. If the Shift Sergeant does not receive the Request for Change of Assignment Form, the Division Commander will initial the form and return it to the employee without consideration.

Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating deputies may commend uniformed deputies for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of the Department may include, but is not limited to, the following:

- Superior handling of a difficult situation by any employee of the Department.
- Conspicuous bravery or outstanding performance by any employee of the Department.
- Any action or performance that is above and beyond the typical duties of an employee.

1030.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report Form shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name, bureau and assignment at the date and time of the commendation.
- (b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate.
- (c) Signature of the commending supervisor.

Completed reports shall be forwarded to the appropriate Division Commander for review. The Division Commander shall sign and forward the report to the Sheriff for review.

The Sheriff will return the commendation to the employee for his/her signature. The report will then be returned to the administrative secretary for entry into the employee's personnel file.

Fitness for Duty

1032.1 PURPOSE AND SCOPE

All deputies 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 deputies of the Department remain fit for duty and able to perform the job functions.

1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each employee of the Department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each employee of the Department shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform 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 Shift Sergeant or employee's available Division Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff and any other supervisor who is made aware that a deputy may have a physical or mental disability affecting the deputy's ability to perform his/her duties shall investigate the allegation (Utah Code 53-6-211(6)).
- (f) The Sheriff or a designee shall ensure that any allegation that a deputy has a physical or mental disability affecting the deputy's ability to perform his/her duties is reported to Utah Peace Officer Standards and Training (POST) when the allegation is found to be true. This applies even in those instances where an employee resigns or is terminated (Utah Code 53-6-211(5), (6)).
- (g) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

Uintah County Sheriff's Department

Policy Manual

Fitness for Duty

1032.4 NON-WORK-RELATED CONDITIONS

Any employee suffering from a non-work-related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other care.

1032.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Sergeant or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with related policies.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 FITNESS FOR DUTY EVALUATIONS

Fitness for duty medical evaluations may be performed under any of the following circumstances:

- (a) Return to work from injury or illness.
- (b) When a supervisor determines there is a direct threat to the health or safety of the employee or others.
- (c) In conjunction with corrective action, performance or conduct issues or discipline.
- (d) When it is a bona fide occupational qualification for selection, retention or promotion.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one day (24-hour) period or
- 30 hours in any 2 day (48-hour) period or
- 84 hours in any 7 day (168-hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any employee who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, combination of on-duty and off-duty work and any other work assignments.

Uintah County Sheriff's Department

Policy Manual

Fitness for Duty

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Conduct Policy.

Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible, shall conform to the policy governing all County employees that has been established by the County Commission.

1034.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic deputies shall request clearance from Uintah Basin Consolidated Dispatch Center prior to taking a meal period. Uniformed deputies shall take their breaks within the County limits unless on assignment outside of the County or with the approval of a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 BREAKS

Each employee is entitled to a 15-minute break, near the mid-point, for each four-hour work period (Utah Administrative Code R477-8-4). Only one 15-minute break shall be taken during each 4-hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the sheriff's facility shall remain in the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Uintah Basin Consolidated Dispatch Center.

Lactation Breaks

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her infant nursing child for up to one year after the child's birth (29 USC § 207).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding the regularly scheduled break time will be unpaid.

Employees desiring to take a lactation break shall notify Uintah Basin Consolidated Dispatch Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if it would seriously disrupt Department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied, and that the employee has a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Uintah County Sheriff's Department

Policy Manual

Lactation Breaks

1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Payroll Record Procedures

1036.1 PURPOSE AND SCOPE

Payroll records are submitted to Administrative Services on a bi-weekly basis for the payment of wages.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the timely submission of accurate payroll records for the payment of wages.

1036.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis, usually on Friday, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administrative Services no later than 9:00 a.m. on the Monday morning following the end of the pay period, unless specified otherwise.

Overtime Compensation Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off pursuant to Utah Administrative Code R477-8-5. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment Form as soon as practical after overtime is worked.

1038.1.1 DEPARTMENT GUIDELINE

Because of the nature of police work and the specific needs of the Department, a degree of policy flexibility concerning overtime must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift, and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one-hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1038.2.1 EMPLOYEE'S RESPONSIBILITY

Employees shall complete the request immediately after working the overtime and turn the request in to the immediate supervisor or the Shift Sergeant. Employees submitting overtime cards for on-call pay when off-duty shall submit cards to the Shift Sergeant the first day after returning for work.

1038.2.2 SUPERVISOR'S RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the Overtime Payment Request Form is forwarded to the employee's Division Commander for final approval.

Uintah County Sheriff's Department

Policy Manual

Overtime Compensation Requests

1038.2.3 DIVISION COMMANDER'S RESPONSIBILITY

Division Commanders, after approving payment, will then forward the form to the Sheriff for review.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining Agreement provides that a minimum number of hours will be paid, (e.g., two hours for court, four hours for outside overtime). The supervisor will enter the actual time worked.

1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as illustrated below:

- 1 to 15 minutes worked - Indicate .25 hour on card
- 16 to 30 minutes worked - Indicate .50 hour on card
- 31 to 45 minutes worked - Indicate .75 hour on card
- 46 to 60 minutes worked - Indicate 1.0 hour on card

1038.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies from that reported by the other deputy, the Shift Sergeant or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Outside Employment - Any employee of the Department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any employee of the Department 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 department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

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

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application, which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff 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 through the end of the calendar year. Any employee seeking to renew a permit 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.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

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

If the employee's appeal is denied, the employee may file a grievance pursuant to Utah Administrative Code R477-9-2.

Uintah County Sheriff's Department

Policy Manual

Outside Employment

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a full-duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Utah Administrative Code R477-9-2, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Interferes with an employee's efficiency performance.
- (b) Conflicts with the interests of the Department or the State of Utah.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Due to the potential conflict of interest no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

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

- (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 of 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:
 1. The deputy(s) shall wear the Department uniform/identification.
 2. The deputy(s) shall be subject to the rules and regulations of the Department.
 3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.

Uintah County Sheriff's Department

Policy Manual

Outside Employment

4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, deputies assigned to undercover or covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of the Department or other agencies through the use of the employee's position with this department.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that a deputy provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c).

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff 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 Sheriff 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.

Uintah County Sheriff's Department

Policy Manual

Outside Employment

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days regarding whether they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff 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 Uintah County Sheriff's Department, a request (in writing) may be made to the Sheriff to restore the permit.

On-Duty Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to Risk Management to ensure proper medical attention is received, and to document the circumstances of the incident.

1042.2 WORKERS' COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work-related injuries and work-related illnesses requiring medical care must be reported to the Risk Management Office. A claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1042.2.2 ACCIDENT DEFINED

Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on-duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to periodically call in during absences as directed. Employees are to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions, if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1042.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under § 1042.2. Updated copies of forms with instructions for completion provided by Risk Management are kept in the sergeant's office.

Uintah County Sheriff's Department

Policy Manual

On-Duty Injuries

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury Form shall be completed in triplicate. All copies of the completed Form shall be forwarded to the supervisor's Division Commander through the chain of command.

When an accident or injury is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the Employer's First Report of Injury - Form 122 shall then be completed. The injured employee shall also sign the form in the appropriate location.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

1042.2.5 DIVISION COMMANDER RESPONSIBILITY

The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff.

1042.2.6 SHERIFF RESPONSIBILITY

The Sheriff shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury Form. This form shall be completed and signed by a supervisor.

This Form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this Form, the employee will not preclude his/her ability to seek medical attention later.

1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the County and/or other insurers are entitled to recover civilly. To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed.

1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an on-duty injury, the employee shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Sheriff. The purpose

Uintah County Sheriff's Department

Policy Manual

On-Duty Injuries

of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the County's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries, are not affected.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

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

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect. It can be worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or designee.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by deputies on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Sheriff or designee. Only one ring may be worn on each hand of the employee while on-duty.

Uintah County Sheriff's Department

Policy Manual

Personal Appearance Standards

1044.3 TATTOOS

While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang-related or obscene language).

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Uintah County Sheriff's Department is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated Policy Manual sections:

- § 700 - Department-owned and Personal Property
- § 1024 - Body Armor
- § 1044 - Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Sheriff or designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Uintah County Sheriff's Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) All peace officers of the Department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications which are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or designee.

Uintah County Sheriff's Department

Policy Manual

Uniform Regulations

1. Wrist watch.
2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.

1046.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department-issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funerals, graduations, ceremonies or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long-sleeve shirt with tie.
- (b) Polished shoes.

Boots with pointed toes are not permitted.

1046.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long- or short-sleeve shirt may be worn with the collar open. No tie is required.
- (b) A white, navy blue or black crew-neck tee-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform.
- (e) Approved all black unpolished shoes may be worn.
- (f) Boots with pointed toes are not permitted.

1046.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Sheriff will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

Uintah County Sheriff's Department

Policy Manual

Uniform Regulations

1046.3.4 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units, such as Canine Team, SWAT, Bicycle Patrol, Motor Deputies and other specialized assignments.

1046.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4-inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.
- (b) Service stripes and/or stars - Service stripes and other indicators for length of service may be worn on long-sleeve shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of 1-1/2 inches above the cuff seam, with the rear of the service stripes sewn-on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Sheriff. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias (SWAT, FTO) may be worn as designated by the Sheriff.
- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The Department-issued badge or an authorized sewn-on cloth replica must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

1046.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) A deputy of the Department - From the time of death until midnight on the 14th day after the death.
- (b) A deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Sheriff.

Uintah County Sheriff's Department

Policy Manual

Uniform Regulations

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, and slacks or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.
- (d) The following items shall not be worn on-duty:
 1. Tee-shirt alone.
 2. Open-toed sandals or thongs.
 3. Swimsuit, tube tops or halter-tops.
 4. Spandex-type pants or see-through clothing.
 5. Distasteful printed slogans, buttons or pins.
- (e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Uintah County Sheriff's Department or the morale of the employees.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Uintah County Sheriff's Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify himself/herself as an employee of the Uintah County Sheriff's Department to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or non-profit publication, or any motion picture, film, video, public broadcast or any Web site.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department-issued item.
 - (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
 - (c) Replacement of items listed in this order as optional shall be done as follows:
-

Uintah County Sheriff's Department

Policy Manual

Uniform Regulations

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property outlined in § 700.

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Uintah County Sheriff's Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Uintah County Sheriff's Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of the Department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, deputy or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply.

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

Uintah County Sheriff's Department

Policy Manual

Nepotism and Conflicting Relationships

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of the Department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
 - (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individuals they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives or registered sex offenders, or anyone who engages in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations, through the chain of command.

Department Badges

1052.1 PURPOSE AND SCOPE

The Uintah County Sheriff's Department badge and uniform patch as well as the likeness of these items and the name of the Uintah County Sheriff's Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 STANDARD

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to the same policies as the uniform badge.

- (a) A deputy may sell, exchange or transfer the flat badge to another deputy within the Uintah County Sheriff's Department with the written approval of the Sheriff.
- (b) Should the flat badge become lost, damaged or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in § 700.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1052.2.2 NON-SWORN PERSONNEL

Badges and Department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Uintah County Sheriff's Department

Policy Manual

Department Badges

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications such as electronic mail, or Web sites and Web pages.

The use of the badge, uniform patch and Department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her Department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the Department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Uintah County Sheriff's Department. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the Department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

Modified Duty Assignments

1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified duty assignments may be available to employees who have incurred a duty-related illness, injury or condition, and are unable to perform their regular assigned duties. The Department may consider off-duty illness, injury or condition for eligibility similar to duty-related illness or injury. Eligibility for modified duty assignment is subject to the approval of the Sheriff or designee.

The Department shall not have long-term or permanent modified duty assignments. Assignment to modified duty shall not exceed one year.

1054.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light duty assignments.

1054.3 LIMITATIONS

Modified duty assignments are intended to provide an employee an accelerated return to full duty as soon as possible while providing the Department with a productive employee during the interim period.

Modified duty assignments are a management prerogative, not an employee right.

Modified duty assignments are subject to continuous re-assessment dependent upon Department need, employee ability and performance.

Poor performance of an employee in a modified duty assignment, a lack of Department need or a change in priorities may result in removal from an assignment, change of assignment, exclusion from assignment or elimination of assignments.

The Department may place conditions deemed appropriate upon any modified duty assignment.

1054.4 PROCEDURE

To request assignment to modified duty, employees shall provide to the Division Commander or designee a signed report from a treating physician of their inability to perform the basic and essential job functions of his/her regular duties, and their ability to perform the basic and essential job functions associated with the duties of a modified duty assignment. The document shall indicate the nature of the injury or illness, the employee's limitations/restrictions and the expected duration. The physician must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Commander will determine what modified duty assignments may be available, consider the needs of the Department, limitations of the employee, suitability to an assignment and may place the employee in a suitable and available modified duty assignment. Requests for modified duty assignment of twenty hours or less may be approved and facilitated by a Shift Sergeant or division supervisor.

Uintah County Sheriff's Department

Policy Manual

Modified Duty Assignments

Employees may also be directed to perform a modified duty assignment by the Sheriff or designee.

1054.4.1 ASSIGNMENT TO MODIFIED DUTY

At the direction of the Division Commander or other assigning supervisor, employees assigned to modified duty shall work the scheduled shift of the unit to which they are assigned or the shift, hours and duties specified in the modified assignment until re-assigned to another modified assignment, cleared for full duty or removed/excluded from assignment to modified duties. The Division Commander or other assigning supervisor has the discretion of re-assigning modified duty schedules to suit Department needs.

The employee and supervisors should be informed in writing of the schedule, modified duty assignment, supervisor and limitations and/or restrictions as directed by the treating physician or the Department.

1054.4.2 ACCOUNTABILITY

Supervisors of the regular and modified duty assignments for the employee shall coordinate efforts to ensure proper time accountability. The supervisor for the modified duty assignment shall complete a change of shift/assignment form and process the form appropriately.

While on duty, employees on modified duty are responsible for coordinating required doctor visits and physical therapy in advance with their supervisor and must properly account for the time.

Employees shall immediately notify their supervisor if there is a change in their condition, which causes their physician to modify their duty assignment in any fashion and shall submit a status report for each visit to the treating physician. A duty status report shall be provided by employees assigned to light duty to their supervisor no less than every 30 days the employee is on modified duty.

Supervisors of employees on modified duty shall keep the Division Commander apprised of the employee's status and ability to perform the modified duty assignment. Modified duty assignments which extend beyond 60 days will require a written status report and request for extension to the Division Commander updating the history, current status and anticipated date of return to regular duty. Extensions require approval by the Sheriff. When it is determined that an employee is no longer to perform a modified duty assignment, the supervisor of the modified duty assignment shall notify the Division Commander, documenting and coordinating the change as necessary, completing a change of shift/assignment form and process the form appropriately. All training and certification necessary for return to regular duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS

The Department may request a medical examination by a physician retained by the Department prior to the employee's return to work and/or release to full duty. The Department may also request a medical examination by a physician retained by the Department to determine if it is appropriate for the employee to work a modified duty assignment. Such medical examinations shall be at the expense of the Department.

Employees shall return to their regularly assigned duties when they have recovered from their illness, injury or condition and the treating physician provides the Department with a signed clearance for full duty indicating that they are capable of performing the basic and essential job functions of his/her assignment.

Uintah County Sheriff's Department

Policy Manual

Modified Duty Assignments

1054.5 PREGNANCY

It is the policy of the Department to reassign pregnant employees, if requested by the employee or deemed necessary by the Department, to temporary assignments that will not routinely expose them to environments or activity potentially hazardous to the employee, the unborn child or the pregnancy.

1054.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy shall notify her immediate supervisor of the pregnancy as soon as medical confirmation is obtained. The employee must inform the Department of her intentions regarding reassignment, job accommodation, anticipated leave for the pregnancy and prenatal care. The employee shall also submit verification from her physician confirming any job restrictions to which she might be subject.

1054.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave by the employee, the supervisor shall notify the Division Commander who will consider assigning the employee to an available temporary modified duty assignment if it is deemed medically necessary by the treating physician.

If, at any point during the pregnancy, it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the County's Personnel Rules and Regulations regarding Family and Medical Care Leave.

1054.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified duty assignment shall have their probationary period extended by a period equal to the time the employee was in a modified duty assignment.

1054.7 MAINTENANCE OF CERTIFICATION, TRAINING AND QUALIFICATION

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular duties and temporary duties, provided the certification, training and qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training and qualifications.

Performance History Audits

1056.1 PURPOSE AND SCOPE

Performance History Audits are collections of data designed to assist supervisors evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for, and must be carefully balanced with the many variables in law enforcement such as:

- A deputy's ability to detect crime.
- A deputy's work ethic.
- A deputy's work assignment and shift.
- A deputy's physical abilities, stature, etc.
- Randomness of events.

1056.2 RESPONSIBILITIES

Under the authority of the Division Commander, the Internal Affairs Unit is responsible for collecting performance indicators and other relevant data to generate and provide a quarterly Performance History Audit Report for each deputy to the appropriate Division Commander. Though generated quarterly, each Performance History Audit will contain data from a one-year time period.

The Division Commander will also forward a copy of each Performance History Audit Report to the Office of the County Attorney for review and retention as attorney work product and confidential personnel information.

1056.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audits will include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1056.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Sheriff of Uintah County Sheriff's Department has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include but are not limited to:

- (a) The frequency and findings of use of force incidents.
- (b) Frequency of involvement and conduct during vehicle pursuits.
- (c) Frequency and findings of citizen complaints.
- (d) Number of commendations, compliments and awards (citizen and Department).
- (e) Claims and civil suits related to the employee's actions or alleged actions.
- (f) Canine bite incidents.

Uintah County Sheriff's Department

Policy Manual

Performance History Audits

- (g) Internal Affairs investigations.
- (h) Frequency and reasons for District Attorney case rejections.
- (i) Intentional or accidental firearm discharges (regardless of injury).
- (j) Vehicle collisions.
- (k) Missed court appearances.
- (l) Documented counseling memos.

1056.5 COMPILATION OF DATA

The Internal Affairs Unit will utilize secure systems and other confidential methods to compile and track information regarding performance indicators for each deputy during each quarter in order to prepare Performance History Audit Reports.

1056.6 EMPLOYEE NOTIFICATION AND RESPONSE

The Internal Affairs Unit will notify each deputy prior to retaining any performance indicator for entry into a Performance History Audit Report. The affected deputy may submit a written comment within 10 days regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History Audit Report.

1056.7 DATA ANALYSIS AND ACTION

Upon receipt, the Division Commander will review each Performance History Audit Report and determine whether it should be provided to a deputy's immediate supervisor for further consideration. The deputy's immediate supervisor will carefully review the Performance History Audit Report with the deputy to assess any potential trends or other issues which may warrant informal counseling, additional training or a recommendation for other action, including discipline. The deputy shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

If a supervisor determines that a deputy's performance warrants action beyond informal counseling, the supervisor shall advise the Division Commander of such recommendation. If the Division Commander concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against a deputy as a result of a Performance History Audit, the deputy shall be entitled to all rights and processes set forth in the Conduct and the Personnel Complaints Policies.

1056.8 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop Performance History Audit Reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to a deputy's personnel file as outlined in the Department Peace Officer Personnel Files Policy 1026.

1056.9 RETENTION AND PURGING

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History Audit Reports shall be purged from the Internal Affairs Unit and all other locations within the Department one year from the date generated. The

Uintah County Sheriff's Department

Policy Manual

Performance History Audits

County Attorney however, shall retain a copy of Performance History Audit Reports for an additional one year period as attorney work product.

Employee Speech, Expression and Social Networking

1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Uintah County Sheriff's Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1058.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Uintah County Sheriff's Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

Uintah County Sheriff's Department

Policy Manual

Employee Speech, Expression and Social Networking

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Uintah County Sheriff's Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Uintah County Sheriff's Department and tends to compromise or damage the mission, function, reputation or professionalism of the Uintah County Sheriff's Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Uintah County Sheriff's Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee (Utah Code 67-16-4).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Uintah County Sheriff's Department on any personal or social networking or other website or web page, without the express authorization of the Sheriff.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 2. During authorized breaks, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Uintah County Sheriff's Department

Policy Manual

Employee Speech, Expression and Social Networking

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Uintah County Sheriff's Department or identify themselves in any way that could be reasonably perceived as representing the Uintah County Sheriff's Department in order to do any of the following, unless specifically authorized by the Sheriff (Utah Code 20A-11-1203):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Uintah County Sheriff's Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device. This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers or networks.

1058.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

Uintah County Sheriff's Department

Policy Manual

Employee Speech, Expression and Social Networking

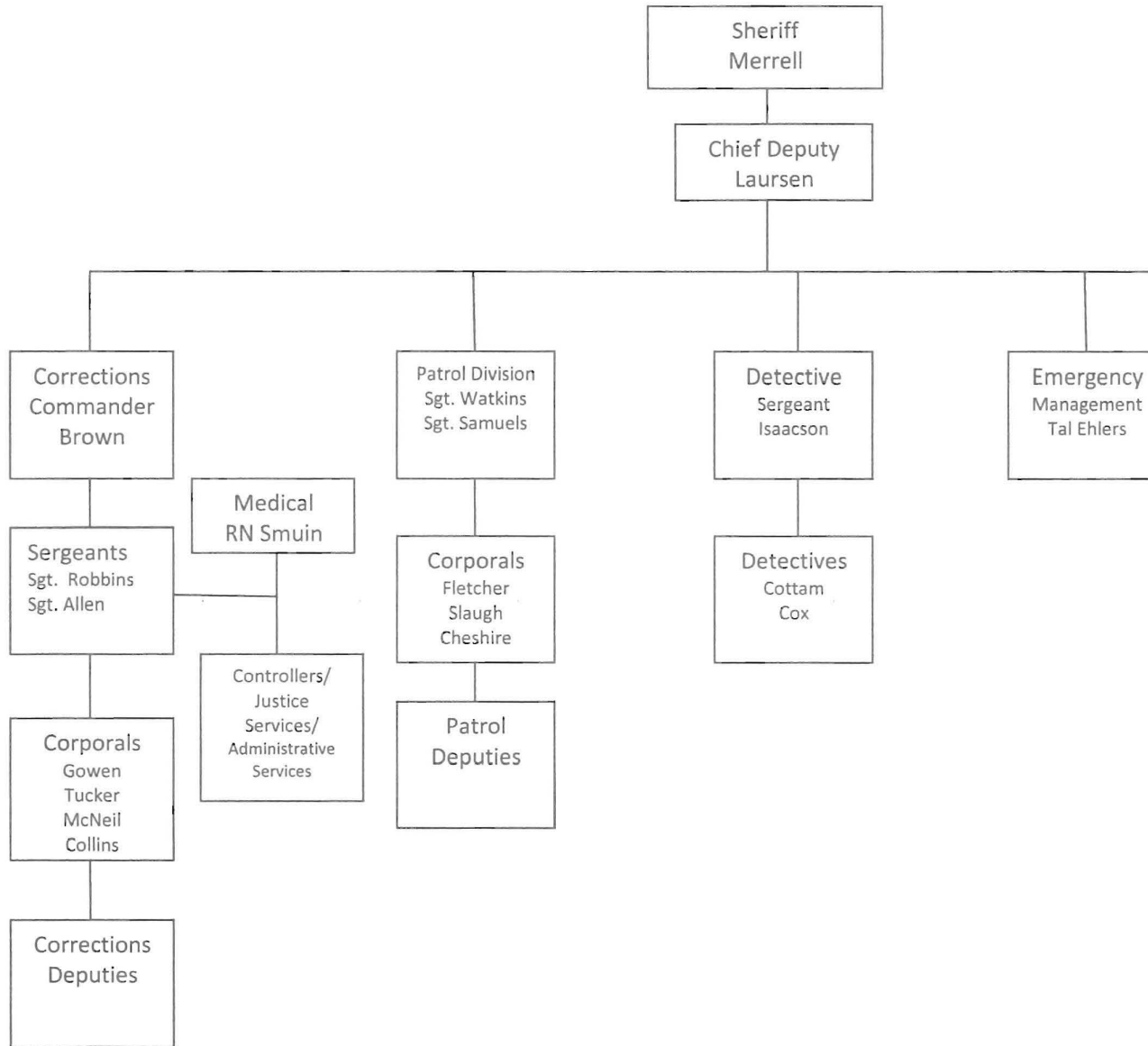
- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1058.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Uintah County Sheriff's Department
Policy Manual

Organizational Chart



Uintah County Sheriff's Department

INDEX

A

ABBREVIATIONS.....	13
ACCIDENTAL DISCHARGE	64
ADDRESS CHANGE.....	131
ADMINISTRATIVE INVESTIGATION	58
ADMINISTRATIVE LEAVE	414
AIRCRAFT ACCIDENTS	255
ALCOHOL	399
ALCOHOL AND DRUGS	61
ALCOHOL USE.....	399
ALPR	287
AMMUNITION.....	61
ANIMALS	
Euthanize.....	63
Injured.....	63
ARREST OF PUBLIC SCHOOL TEACHER....	184
ASSET FORFEITURE	313
ATTENDANCE	131
AUDIO RECORDERS	280
AUTHORITY	9
AUTHORIZED WEAPONS	60
AUTOMATED LICENSE PLATE READER....	287
AUXILIARY RESTRAINTS	40

B

BADGE.....	455
Mourning Badge	450
BARRICADED SUSPECTS	228
BATON	43
BETTING	134
BIASED-BASED PROFILING.....	210
BLOOD TESTS.....	302
BODY ARMOR	421
BODY CAVITY SEARCH.....	373
BOMB CALLS	232
BOMB THREATS	233
BOOKING SEARCH	373
BREATH TESTS	301
BRIBE.....	134

C

CAMERA SYSTEM	
Public Safety	192
CANINE	
Assignments.....	84
Handler Compensation.....	86
Handler Responsibilities	85
Request for Use.....	84
See Police Service Dog.....	82
Selection.....	85
Training.....	86
CHANGE OF ADDRESS	131
CHANGE OF ASSIGNMENT	428
CHILD ABUSE	113
Definitions.....	113
Mandatory Notification.....	113
CHRI	358
CITATIONS	294
CITE AND RELEASE	238
CITIZEN COMPLAINTS	412
CIVIL RESPONSE TEAM	59
CODE-3	79
COMMUNICABLE DISEASES	404
Confidentiality	410
Counseling	410
COMMUNICATIONS WITH HEARING	
IMPAIRED OR DISABLED	177
COMPUTER USE	139
CONCEALED WEAPON LICENSE.....	26
CONCEALED WEAPONS LICENSE	
Interstate.....	65
CONCEALED WEAPONS PERMITS	
Retired or Former Deputies	27
CONDUCT UNBECOMING	134
CONDUCTED ENERGY DEVICE	47
CONFIDENTIAL INFORMANTS	318
Payment Procedure	320
CONFIDENTIAL INFORMATION.....	135
CONSTITUTIONAL REQUIREMENTS	9
CONSULAR OFFICERS	241
CONTROL DEVICES	42
CONTROL DEVICES	42
CORRESPONDENCE.....	24
COURT APPEARANCE	148
COURTROOM ATTIRE	150
COURTROOM PROTOCOL	150
CRIME SCENE	212
CRIMINAL ACTIVITIES.....	134
CRIMINAL ACTIVITY REPORTING.....	142
CRIMINAL OFFENDER RECORD	
INFORMATION.....	358
CRIMINAL STREET GANGS	267
CRISIS NEGOTIATION TEAM.....	214
CRISIS RESPONSE UNIT	214
CUSTODIAL INTERROGATION	
Recording Interrogation	310
CUSTODY SEARCHES	373

Uintah County Sheriff's Department

Policy Manual

INDEX

CWL.....	26	EMPLOYEE DISCIPLINE	131
D		ENFORCEMENT	293
DAMAGE BY COUNTY PERSONNEL.....	143	EVALUATION	389
DEADLY FORCE REVIEW	36	EVIDENCE.....	343
DEATH INVESTIGATION	163	EXCESSIVE FORCE	134
DEATH NOTIFICATION.....	164	EXPLOSIVES	232
DECONTAMINATION	406	EXPOSURE CONTROL OFFICER	404
DEFECTIVE VEHICLES	336	EXPOSURE(S).....	226
DEFINITIONS.....	13	EXTENDED ILLNESS	402
DEPARTMENT PROPERTY		F	
Loss Or Damage	331	FAILURE TO TAKE ACTION	133
DEPARTMENT-OWNED PROPERTY	330	FALSE STATEMENTS	133
DEPLOYMENT	246	FALSIFICATION OF RECORDS	133
DESTRUCTION OF ANIMALS	63	FIELD CITATIONS.....	238
DIGITAL RECORDERS	280	FIELD DETAINEES	262
DIPLOMATIC AGENTS	240	FIELD IDENTIFICATION.....	322
DIPLOMATIC IMMUNITY	240	FIELD INTERVIEW	262
DISASTER PLAN	19	FIELD PHOTOGRAPHS	262
DISASTER SCENE.....	212	FIELD TRAINING OFFICER	258
DISCRIMINATION.....	132	FIELS SOBRIETY TESTS	301
DISCRIMINATORY HARASSMENT	109	FIGHTING.....	131
Complaints	111	FIREARM SERIAL NUMBERS	352
Definitions.....	109	FIREARMS	60, 62
Sexual Harassment.....	109	Flying Armed.....	65
Supervisor's Role	111	Qualifications	63
DISGRACEFUL CONDUCT.....	133	Storage of.....	62
DISHONESTY	133	FIREARMS DISCHARGE.....	64
DISOBEDIENCE	133	FIREARMS SAFE HARBOR ACT	345
DISPARAGING REMARKS	133	FITNESS FOR DUTY	430
DISPUTED CLAIMS	348	FOOT PURSUIT	283
DISTRIBUTION.....	14	FORCE.....	30, 36
DNA.....	312	FOREIGN NATIONALS.....	240
DNA SAMPLES.....	185	Arrest or Detention	240
DOG BITES.....	83	Arrest Procedure	245
DOG INJURIES.....	84	In-Custody Arrests	242
DOMESTIC VIOLENCE	90	Traffic Collisions.....	244
DRIVING TACTICS	71	Vehicle Registration.....	241
DRUG USE.....	399	G	
DUI ENFORCEMENT.....	301	GAMBLING	134
DUTY WEAPONS	60	GANGS.....	267
E		GENERAL ORDER	18
ELDER ABUSE	105	GRATUITY	134
ELECTRICAL LINES.....	252	GRIEVANCE PROCEDURE	394
ELECTRO-MUSCULAR DISRUPTION		GROOMING STANDARDS.....	446
TECHNOLOGY DEVICE.....	47	H	
ELECTRONIC MAIL	23	HANDCUFFING.....	39
EMERGENCY MANAGEMENT PLAN	19	HATE CRIMES	129
EMERGENCY UTILITY	252	HAZARDOUS MATERIAL.....	226
EMPLOYEE COMMENDATIONS	429		
EMPLOYEE CONVICTIONS	397		

Uintah County Sheriff's Department

Policy Manual

INDEX

HEARING IMPAIRED.....	177	MINIMUM STAFFING.....	25
HELICOPTER ASSISTANCE.....	261	MISAPPROPRIATION OF PROPERTY.....	133
HONORARY CONSULS.....	241	MISSING PERSON.....	118
HORSEPLAY.....	132	Definitions.....	118
HOSTAGES.....	228	MISUSE OF PUBLIC FUNDS.....	134
I		MOBILE AUDIO VIDEO.....	272
IDENTITY FRAUD.....	166	MOBILE DATA TERMINAL.....	278
IMMIGRATION VIOLATIONS.....	249	N	
IMMUNITY.....	240	NARCOTIC-DETECTION DOGS.....	83
INITIATE A PURSUIT.....	68	NEWS MEDIA RELATIONS.....	145
INJURY CLAIMS.....	444	NOTIFICATIONS.....	55
INSUBORDINATION.....	133	NUMERICAL FILING.....	351
INTERNET USE.....	140	O	
INTOXICANTS.....	132	OATH.....	11
INVESTIGATION AND PROSECUTION.....	310	OC SPRAY.....	43
J		OFFICER-INVOLVED SHOOTING.....	53
JAIL RELEASE.....	239	ON-DUTY INJURIES.....	443
JAIL SEARCHES.....	372	ORGANIZATIONAL STRUCTURE.....	16
JUVENILE INFORMANTS.....	319	OUTSIDE AGENCY ASSISTANCE.....	158
JUVENILES.....	98	OUTSIDE EMPLOYMENT.....	439
Citations.....	239	Change in Status.....	441
Non-Offenders Custody.....	99	Obtaining Approval.....	439
Status Offenders.....	100	Prohibited Outside Employment.....	440
Use as Informants.....	319	Security Employment.....	440
K		OVERTIME PAYMENT.....	437
KINETIC PROJECTILES.....	44	P	
L		PAT DOWN SEARCHES.....	373
LEG IRONS.....	40	PAT-DOWN SEARCH.....	262
LEG RESTRAINT.....	38	PATROL FUNCTION.....	208
LEG RESTRAINTS.....	40	PEACE OFFICER POWERS.....	9
LICENSE PLATE RECOGNITION.....	287	PEPPER PROJECTILES.....	43
LIMITED ENGLISH PROFICIENCY.....	170	PERFORMANCE.....	132
LIVE LINEUP.....	322	PERFORMANCE HISTORY AUDITS.....	460
M		PERSONAL APPEARANCE.....	446
MANDATORY APPEARANCE.....	148	PERSONAL PROPERTY.....	330
MANUALS.....	19	Loss Or Damage.....	331
MDT.....	278	PERSONAL RECORDERS.....	280
Emergency Activation.....	279	PERSONNEL COMPLAINTS	
MEAL PERIODS AND BREAKS.....	433	Acceptance.....	413
MEDIA RELATIONS.....	55	Administrative Searches.....	416
MEDIA REQUEST.....	145	Disposition.....	417
MENTAL ILLNESS		Documentation.....	413
Commitments.....	235	PERSONNEL FILES.....	423
Restraints.....	236	Defined.....	423
		Purging Of Files.....	427
		Requests For Disclosure.....	424
		Types Of Personnel Files.....	425
		PERSONNEL RECORDS.....	355

Uintah County Sheriff's Department

Policy Manual

INDEX

PHOTOGRAPHIC LINEUP	322	S	
PHYSICAL AND MENTAL EXAMINATIONS	431	SAFETY CONSIDERATIONS	62
PHYSICAL CONDITION	134	SALIVA SAMPLES	186
POLICY MANUAL	12	SCHOOL EMPLOYEE REPORTING	184
POLITICAL ACTIVITIES	134	SEARCH AND SEIZURE	96
PORTABLE RECORDERS	280	SEARCHES	339
PRIVATE PERSONS ARRESTS	168	Custody	373
PROMOTION PROCESS	392	Pat Down	373
PROPERTY PROCEDURES	343	Strip	373
Disputed Claims	348	SEARCHING	
Narcotics And Dangerous Drugs	344	Dead Bodies	164
Packaging Of Property	345	SEAT BELT PROCEDURE	419
Property Booking	343	SECURITY EMPLOYMENT	440
Property Handling	343	SELECTION	85
Property Release	347	SEXUAL ASSAULT	312
PUBLIC INFORMATION OFFICER	256	SEXUAL HARASSMENT	109
PURSUIT INTERVENTION	74	SHERIFF CANDIDATE	10
PURSUIT UNITS	70	SHIFT SERGEANTS	271
R		SICK LEAVE	402
RACIAL PROFILING	210	SPIT HOOD	39
RANGEMASTER	64	SPIT MASK	39
RAPID DEPLOYMENT TEAM	246	STAFF	12
REASONABLE SUSPICION	262	STAFFING LEVELS	25
RECORDERS	280	STANDBY	148
RECORDS BUREAU	351	STRIP SEARCH	373
RECRUITMENT	385	SUBPOENA DUCES TECUM	356
REFLECTORIZED VESTS	294	SUBPOENAS	148
RELEASE OF RECORDS AND INFORMATION	354	Acceptance	148
Arrest Reports	355	Civil Subpoenas	150
Personnel Records	355	Failure To Appear	150
Processing Requests	354	SUPERVISION DEPLOYMENTS	25
REPORT CORRECTIONS	144	SWEEPS	249
REPORT PREPARATION	142	T	
REPORTING CONVICTIONS	397	TASER®	47
Domestic Violence	397	TATTOOS	447
REPORTING POLICE ACTIVITY	248	TEAR GAS	43
RESERVE DEPUTIES		TERMINATE A PURSUIT	69
Auxiliary Deputies	152	TIME CARD	436
Coordinator	154	TIME CARDS	436
Duties	153	TOBACCO USE	411
Firearms Requirements	156	TRAFFIC DEPUTY	293
Training	154	TRAFFIC FUNCTION	293
RESPONSE TO CALLS	79	TRAFFIC SIGNAL	252
RESTRAINTS	38, 236	TRAINING	
SEE ALSO LEG RESTRAINT		SWAT	216
RESTRICTED INFORMATION	147	TRAINING	20
RETIRED OR FORMER DEPUTY CWL	27	TRAINING PLAN	20
RIDE-ALONG	224	TRANSFER PROCESS	392
Eligibility	224	TRANSPORT BELTS	40

Uintah County Sheriff's Department

Policy Manual

INDEX

U

UNIFORM REGULATIONS	448
URINE TESTS	302
USE OF FORCE	30
UTILITY SERVICE	252

V

VEHICLE MAINTENANCE	336
---------------------------	-----

VEHICLE PURSUIT	67
VEHICLES	339
VICTIM WITNESS	127

W

WARNING SHOTS	63
WASHING OF VEHICLES	337
WATER LINES	252
WORKERS COMPENSATION	443